

# EXHIBIT 11

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT  
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : AUGUST 24, 2021

---

NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT  
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : AUGUST 24, 2021

---

NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT  
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET  
V. : AT WATERBURY  
ALEX EMRIC JONES, ET AL. : AUGUST 24, 2021

**MOTION FOR SANCTIONS BASED ON  
THE JONES DEFENDANTS' FAILURE TO PRODUCE  
WEB AND SOCIAL MEDIA DATA AND ANALYTICS**

“An order of the court must be obeyed until it has been modified or successfully challenged, and the consequences for noncompliance may be severe indeed.” *Lafferty v. Jones*, 336 Conn. 332, 381 (2020) (quoting *Fox v. First Bank*, 198 Conn. 34, 40 n.3 (1985)), *cert. denied*, 2021 WL 1240941 (U.S. Apr. 5, 2021). For two and a half years, the Jones defendants have been under a court order to produce sales, marketing, and web-analytics data, including Google Analytics data. The Court set a “final” deadline for production of the “already overdue supplemental compliance” for June 28, 2021. Order, Dkt. 348.10, June 2, 2021. It expressly warned that “[f]ailure to comply with this order may result in sanctions including but not limited to a default.” *Id.* The Jones

defendants violated that order and did so based on inaccurate and incomplete representations concerning the supposed difficulty of producing the requested information.

In addition, for more than two and a half years, the Jones defendants have been under a court order to produce all communications or documents concerning social media marketing and analytics. For years, they represented that they possessed none. The deposition of [REDACTED]

[REDACTED] came and went. Then, during a [REDACTED]

[REDACTED]

This conduct continues the pattern of “continuing misconduct” that “demonstrates a deliberate disregard for the court’s orders.” *Lafferty*, 336 Conn. at 380–81 (quoting approvingly *Emerick v. Town of Glastonbury*, 177 Conn. App. 701, 737 (2017)’s justification for affirming a sanction of dismissal). The Jones defendants’ noncompliance is prejudicial and requires the entry of the most serious possible sanction.

## **I. FACTUAL AND PROCEDURAL BACKGROUND**

### **A. The Orders Requiring the Jones Defendants to Produce Web and Social Media Marketing and Analytics Data and the Jones Defendants’ Previous Refusal to Produce Them**

More than two and a half years ago, this Court ordered the Jones defendants to produce materials responsive to the plaintiffs’ Requests for Production Nos. 15, 16, and 17, which covered marketing, sales, and web-analytics data. Order, Dkt. 148.00, Jan. 10, 2019; Defs.’ Obj. to Plaintiffs’ Rev. Disc. Requests, Dkt. 146.00, Jan 9, 2019.

The Court specifically addressed the Jones defendants’ nonproduction of Google or other web analytics data on March 22, 2019. Ex. A, 3/22/19 Hrg. Tr. 19. After addressing it repeatedly with no result, it finally held that the “print out produced in response to production requests 15-17

is simply not full and fair compliance.” Order, 255.10, June 10, 2019. It found that court-ordered “depositions confirm[ed] that the Google Analytics account is accessed and utilized by some employees of the defendants.” *Id.* It warned that it would “consider appropriate sanctions for the defendants’ failure to fully and fairly comply should they not produce the data within one week.” *Id.*

They did not produce it. The Court sanctioned the Jones defendants for failure to produce that data, and for “repeatedly ignored court deadlines and continued to challenge the underlying merits of discovery, even after the court found the requisite good cause to allow discovery.” *Lafferty*, 336 Conn. at 376. Based on this pattern of “obfuscation and delay,” including on the discovery of web analytics, and other litigation misconduct, this Court imposed sanctions. *Id.* Those sanctions were affirmed by the Supreme Court. *Id.*

Even after sanctions were affirmed, the Jones defendants did not produce in response to the Court’s orders. After contacting the Jones defendants’ counsel requesting compliance with the long-outstanding discovery—and receiving no response—the plaintiffs moved re-compel it yet again. Mot. to Re-Compel Compliance, Dkt. 309.00, Nov. 12, 2020. During a telephonic meet-and-confer three days later, the Jones defendants took the position that they had no obligation to comply with existing discovery. Aff. of Meet & Confer ¶ 15, Dkt. 313.00, Nov. 18, 2020. The next day, the Jones defendants noticed removal for the second time in this case. Not. of Removal, Dkt. 312.00, Nov. 16, 2020.

The federal district court rejected that removal and remanded the case to this Court again on March 5, 2021. Remand, Dkt. 316.00, Mar. 5, 2021. The case was returned to this Court for the third time. The Jones defendants had been under court order to produce sales, marketing, and web-analytics data for more than two years. Rather than do so, they argued that this Court’s sanctions



order—which had been based in large part on their refusal to produce exactly these still-outstanding materials—“necessarily terminated” their production obligations. Defs.’ Mem. in Opp. to Mot. 1–2, Dkt. 332.00, May 5, 2021. They also argued, yet again, that the original discovery ordered by this Court was “excessive.” *Id.* at 2. On May 14, 2021, the Court rejected their arguments, finding that “[t]he obligation of the defendants to fully and fairly comply with the discovery requests at issue was not extinguished.” Order, Dkt. 339.10. Finally, it ordered set a “final” deadline of June 28, 2021 for production of the “already overdue supplemental compliance,” including Google and any other web analytics. Dkt. 348.10. It expressly warned the Jones defendants that their failure to produce the analytics by the final deadline of June 28, 2021 “may result in sanctions including but not limited to a default.” *Id.*

## **B. The Jones Defendants’ Continued Refusal to Provide Court-Ordered Information**

### **1. Google Analytics**

June 28 was a Monday. On the Thursday afternoon before production was due, counsel for the Jones defendants sent the plaintiffs’s counsel a letter representing that the Google Analytics data “cannot be produced as an export,” and therefore could not be provided. Ex. B, Letter from Jay Wolman to Christopher Mattei, *et al.*, June 24, 2021. Instead, for the first time,<sup>1</sup> the Jones defendants proposed a “sandbox approach,” where the plaintiffs would be allowed to access the Jones defendants’ Google Analytics accounts and “inspect the dataset” for a limited period of time under the supervision of the Jones defendants. *Id.* The plaintiffs rejected this proposal, noting that they disagreed with the representation that the Analytics “cannot be produced” and that this

---

<sup>1</sup> Although Attorney Wolman’s letter represents that he made this proposal at the June 2, 2021 hearing, the transcript of that hearing does not appear to have any reference to it. 6/2/21 Hrg. Tr. Plaintiffs’ counsel have no memory of it being mentioned in a prior telephone conversation.

position was “not consistent with the information [the Jones defendants] provided to the Court.” Ex. C, Letter from Christopher Mattei, *et al.*, to Jay Wolman, June 25, 2021.

The Jones defendants’ counsel responded that “there is no inconsistency,” and that “to export the raw data, one must be an Analytics 360 member, i.e. a premium member.” Ex. D, Letter from Jay Wolman to Chris Mattei, June 25, 2021. “Free Speech Systems is not an Analytics 360 member,” they continued. “[T]herefore it is impossible for it to export the data.” *Id.* Defense counsel reiterated his position that, to obtain the discovery, the plaintiffs should pay \$150,000 for the Jones defendants to obtain a premium Google Analytics membership. *Id.* In a meet-and-confer telephone call on July 13, 2021, counsel for the Jones defendants reaffirmed this statement. Pls.’ Meet & Confer Aff. ¶ 10, Dkt. 426.00, July 26, 2021. He was asked: “So you’re telling me that what data you do have access to through their Google Analytics platform, they cannot download or export?” *Id.* He responded: “Yes. Google does not allow it for non-Analytics 360 members, [the Jones defendants] do not have a 360 membership, ergo, it cannot be produced.” *Id.*

## **2. Social Media Analytics**

In addition to the analytics discussed above, the Court’s order of January 10, 2019 ordered the production of:

All communications and/or documents concerning marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast, either to, from, or concerning:

- a. Alphabet Inc., or any subsidiary or property thereof
- b. Facebook, Inc., or any subsidiary or property thereof
- c. Twitter, Inc., or any subsidiary or property thereof
- d. Oath Inc., or any subsidiary or property thereof
- e. Snap Inc., or any subsidiary or property thereof
- f. Apple Inc., or any subsidiary or property thereof

Defs.’ Obj. ¶ 17, Dkt. 146.00; Dkt. 148.00. By including subsidiaries, this Request included

documents and communications concerning not only named social-media platforms like Facebook and Twitter, but also Instagram (owned by Facebook), Google (owned by Alphabet), and YouTube (owned by Alphabet).

The Jones defendants never produced any discovery materials regarding their social media data or analytics. The defendants responded to the plaintiffs’ interrogatories regarding social media analytics by stating, “All responsive documents have been provided to plaintiff’s counsel.” Dkt. 218.00–222.00. During a subsequent hearing, the Jones defendants were asked explicitly about marketing and analytics, and responded, “[W]e have provided everything.” Ex. E, 5/7/19 Hrg. Tr. 14:26–15:15.

After the sanctions against them were affirmed and the case returned to this Court, the Jones defendants still produced no such documents. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A month later, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] To this date, the plaintiffs have not received these reports through formal discovery.

## II. LEGAL STANDARD

Practice Book § 13-14 authorizes the Court to impose sanctions for a party's failure to comply with discovery orders. Pract. Book § 13-14(a). Section 13-14(b) sets forth a non-exhaustive list of potential penalties, including entry of non-suit, the award of fees associated with enforcement of court orders, evidentiary restrictions, etc. The Court also has inherent power to order sanctions. *Evans v. Gen. Motors Corp.*, 277 Conn. 496, 522–24 (2006); *Millbrook Owners Ass'n, Inc. v. Hamilton Standard*, 257 Conn. 1, 14 (2001).

“[A] court may, either under its inherent power to impose sanctions in order to compel observance of its rules and orders, or under the provisions of [Practice Book] § 13–14, impose sanctions[.]” *Evans*, 277 Conn. at 522-24 (quoting *Millbrook Owners Ass'n, Inc.*, 257 Conn. at 14). The decision “to enter sanctions . . . and, if so, what sanction or sanctions to impose, is a matter within the sound discretion of the trial court.” *Evans*, 277 Conn. at 522-24. “[T]he court’s discretion should be exercised mindful of the policy preference to bring about a trial on the merits of a dispute whenever possible and to secure for the litigant his day in court[.]” *Id.* (quoting *Millbrook Owners Ass'n, Inc.*, 257 Conn. at 14). “The design of the rules of practice is both to facilitate business and to advance justice[.]” *Id.* (quoting same).

The standard for imposing and reviewing sanctions for violation of discovery orders requires that (1) “the order to be complied with must be reasonably clear”; (2) “the record must

establish that the order was in fact violated”; and (3) “the sanction imposed must be proportional to the violation.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18; *Giblen v. Ghogawala*, 111 Conn. App. 493, 497–98 (2008). “In determining the proportionality of a sanction to a violation, we have in the past considered the severity of the sanction imposed and the materiality of the evidence sought . . . whether the violation was inadvertent or wilful . . . and whether the absence of the sanction would result in prejudice to the party seeking the sanction.” *Giblen*, 111 Conn. App. at 497–98 (quoting *Forster v. Gianopoulos*, 105 Conn. App. 702, 711 (2008)).

### **III. ARGUMENT**

This Court issued multiple applicable orders that were “reasonably clear.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. The record establishes “that the order[s] [were] in fact violated.” *Id.* The Jones defendants’ noncompliance is prejudicial to the plaintiffs: the relevant discovery is highly material, and the Jones defendants’ refusal to produce it has compromised the plaintiffs’ ability to use it in the discovery process. This Court warned the Jones defendants that “[f]ailure to comply with this order may result in sanctions including but not limited to a default.” Order, Dkt. 348.10. Default is the appropriate sanction.

#### **A. The Court’s Orders Were Crystal Clear**

In order for sanctions to issue, “the order to be complied with must be reasonably clear.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. The orders at issue here were crystal. In its original order two and a half years ago, the Court ordered the Jones defendants to produce materials responsive to the plaintiffs’ Requests for Production Nos. 15, 16, and 17, which covered marketing, sales, and web-analytics data. Dkt. 148.00. Request for Production No. 15 asked for “[a]ll marketing data, web analytics, sales analytics, and/or other web traffic data concerning you, Infowars, and/or any website, social-media, or other internet-based profile that you or the Jones

Defendants own and/or control.” Pls.’ First Spec. Req. for Prod’n ¶ 15. Request for Production No. 16 demanded “[a]ll marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast.” *Id.* ¶ 16. Request for Production No. 17 requested “[a]ll communications and/or documents concerning marketing data or analytics concerning you, Infowars, or the other Jones Defendants, and/or any other medium, including radio, on which you or the Jones Defendants broadcast, either to, from, or concerning” all the major social media platforms. Pls.’ First Spec. Req. for Prod’n ¶ 17. The Jones defendants’ production obligations regarding social media and web analytics were clear.

On June 16, 2021, this Court sanctioned the defendants in part because of their repeated failure to produce Google Analytics. *Lafferty*, 336 Conn. at 376. In May, after the case’s return to Connecticut Superior Court, this Court rejected their arguments against production and of analytics and held “[t]he obligation of the defendants to fully and fairly comply with the discovery requests at issue was not extinguished.” Dkt. 339.10. In another follow-on order, the Court set a “final” deadline for production of the “already overdue supplemental compliance,” including Google and any other web analytics, for June 28, 2021. Dkt. 348.10. It noted that it “decline[d] the Jones defendants’ invitation to address, again, the scope of appropriate discovery” and that “the outstanding discovery responses were due over two years ago.” *Id.* This order expressly warned the Jones defendants that their failure to produce the analytics by the final deadline of June 28, 2021 “may result in sanctions including but not limited to a default.” *Id.*

**A. The Jones Defendants Violated the Court's Orders**

Another requirement for sanctions is that “the record must establish that the order was in fact violated.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. There is no question that the Court’s orders were violated here.

**1. The Jones Defendants Violated the Court's Orders to Produce Google Analytics Data**

The Jones defendants did not produce the Google Analytics data by June 28, 2021. They still have not produced it. This is an unexcused violation of the Court’s order, and it requires the imposition of sanctions.

**2. The Jones Defendants Continued Their Pattern of Obfuscation and Delay with this Violation**

The Jones defendants did not produce the Google Analytics data as ordered. As the Court has repeatedly said, a court-set deadline must be complied with, or a motion directed to that deadline needs to be filed and adjudicated before the deadline passes. The Jones defendants chose not to file that motion. Rather, they again chose unexcused disobedience of a Court order, forcing the plaintiffs to bring the violation to the Court’s attention.

To excuse their noncompliance, moreover, the Jones defendants chose to rely on the notion that production would be very costly, an argument that the Court had already rejected. In support of their excuse, the Jones defendants made inaccurate and incomplete representations concerning the capabilities of their Google Analytics account. This began in argument before the Court on June 2, 2021. During that argument, the Jones defendants represented that utilizing the Google Analytics “export method” required “a premier membership” that “would cost at least \$150,000.” Ex. H, 6/2/21 Hrg. Tr. 15:10–16. (They maintained “this cost should be borne by [the plaintiffs].” *Id.* at 17:16–17.) They then argued that the data should not be produced at all, contending that “the

amount of labor . . . required is not proportionate to the needs of the case.” *Id.* at 17:19–18:6. This Court rejected these arguments and ordered the Jones defendants to produce the data by June 28, 2021. Order, Dkt. 348.10, June 2, 2021 (noting that it “decline[d] the Jones defendants’ invitation to address, again, the scope of appropriate discovery” and that “the outstanding discovery responses were due over two years ago”).

Ignoring the fact that the Court had already rejected the argument, the Jones defendants raised this excuse again in their June 25 letter to counsel: “to export the raw data, one must be an Analytics 360 member, i.e. a premium member.” Wolman Letter, June 25, 2021. “Free Speech Systems is not an Analytics 360 member,” they continued. “[T]herefore it is impossible for it to export the data.” *Id.* Free Speech Systems repeated this statement in its Notice of Compliance. It further represented that “Free Speech Systems does not possess, have custody, or control the Google Analytics dataset in a manner that would permit export.” Dkt. 377.00 at 2, June 28, 2021.

These representations were inaccurate and misleading. The plaintiffs retained a Google Analytics expert to assess what export capabilities an ordinary Google Analytics account has, and submit his affidavit in support of this Motion. “Like all Google Analytics users, the users of the Infowars.com Google Analytics account have access to the Export function.” Ex. I, Affidavit of Jordan Campbell ¶ 9. Indeed, the “EXPORT button is clearly visible on” the very screenshots the Jones defendants provided as an exhibit to their motion for a protective order on May 30, 2021. *Id.* This export function allows the user to export the Google Analytics data in 4 different formats: PDF, Google Sheets, XLSX and CSV.” *Id.* ¶ 8. “Exporting in those formats keeps the data organized and allows it to be manipulated by the recipient, as the original user could do.” *Id.* Using an expert protocol, the data ordered by the Court could be exported using this basic EXPORT



function.<sup>2</sup> *Id.* ¶ 10. The Jones defendants’ claim that an expensive Google 360 membership is required to comply with the Court’s order is inaccurate and misleading: “[I]t is not true that ‘to export the dataset, one must be a Google Analytics 360 user.’” *Id.* ¶ 11.

Relying on the Analytics 360 excuse, the Jones defendants refused to produce the required Google Analytics data. Instead, they proposed a “sandbox approach” four days before the deadline. Wolman Letter, June 24, 2021. As the Jones defendants’ letter itself admitted, this was not production, but an offer of inspection. *Id.* (noting proposal would allow the plaintiffs to “inspect the data set”). This approach, moreover, “would allow the Jones defendants to observe, surveil, and/or record all the plaintiffs’ actions within the Google Analytics account, including any searches or other analysis that the plaintiffs or their experts might perform on the data while they had access to it.” Campbell Aff. ¶ 16; Defs.’ Notice of Compliance 2 n.3, Dkt. 377.00 (noting that the approach “would necessarily require supervision by Free Speech Systems”). This would be a clear invasion of the work-product doctrine. *See Barksdale v. Harris*, 30 Conn. App. 754, 760 (1993) (“The work product doctrine protects an attorney’s . . . ‘mental impressions, personal beliefs and countless other tangible and intangible [items].’” (quoting *Hickman v. Taylor*, 329 U.S. 495, 511 (1947))); Conn. Practice Book § 13-3 (codifying work-product privilege).<sup>3</sup>

---

<sup>2</sup> Exporting this data in this manner would require neither technical expertise nor an inordinate amount of labor. “[U]sing the free export function described above, a user of the relevant account could easily export complete, accurate and readily useable data as Excel (xlsx) files.” Campbell Aff. ¶ 10. “[E]xporting the data would take a computer literate user following a simple protocol under a week to complete the exports and possibly would require even less time.” *Id.* (noting that “a computer literate user” means “someone with simple data entry skills”). “The development of an appropriate export approach” would take “approximately 30 minutes.” *Id.* Implementation of such a “step-by-step protocol . . . would be a simple process.” *Id.*

<sup>3</sup> When plaintiffs’ counsel raised these defects during the parties’ meet-and-confer call of July 13, 2021, the Jones defendants acknowledged them but argued they were immaterial to it being sufficient production. Aff. of Attempt to Resolve Discovery Objection ¶ 9, Dkt. 426.00, July 26, 2021.

### **3. The Jones Defendants Violated the Court's Orders Regarding Social Media Data and Analytics**

Likewise, for roughly two and a half years, the Jones defendants were under a court order to produce all available analytics for social media accounts under their control. They produced none. Meanwhile, they repeatedly represented that they had made all responsive production. *See* Dkt. 218.00-222.00. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

They still have not been formally produced in discovery. Even if they were, there is no indication that they would constitute complete production under the relevant requests for production. The Jones defendants violated the Court's order in failing to produce these documents for two and a half years—and potentially continuing to improperly withhold others.

### **4. Given the History of the Jones Defendants' Conduct, Default is the Only Appropriate Sanction**

“[T]he sanction imposed must be proportional to the violation.” *Millbrook Owners Ass’n, Inc.*, 257 Conn. at 17–18. Default and dismissal are the severest sanctions.<sup>4</sup> In general, Connecticut “practice does not favor the termination of proceedings without a determination of the merits of the controversy where that can be brought about with due regard to necessary rules of procedure.” *Millbrook Owners Ass’n, Inc. v. Hamilton Standard*, 257 Conn. 1, 16 (2001). But “where a party [has] show[n] a deliberate, contumacious or unwarranted disregard for the court’s authority,” dismissal or default “of the entire case may constitute an appropriate sanction.” *MacCalla v. Am.*

---

<sup>4</sup> There exist more Connecticut cases addressing sanctions of dismissal than default. However, our courts seem to deal with them interchangeably. There is no indication that a sanction of default must meet a test different from that for one of dismissal. For this reason, while this Motion emphasizes default cases, it refers at times to dismissal cases as well.

*Med. Response of Connecticut, Inc.*, 188 Conn. App. 228, 239 (2019) (quoting *Emerick v. Glastonbury*, 177 Conn. App. 701, 736 (2017) and affirming sanction of dismissal for attorney’s improper behavior in deposition). Under such circumstances, the ultimate sanction “serves not only to penalize those whose conduct warrants such a sanction but also to deter those who might be tempted to such conduct in the absence of such deterrent.” *Pavlinko v. Yale-New Haven Hosp.*, 192 Conn. 138, 145 (1984) (citation omitted).

In determining the proportionality of a sanction of default, Connecticut courts have “considered the severity of the sanction imposed and the materiality of the evidence sought . . . whether the violation was inadvertent or wilful . . . and whether the absence of the sanction would result in prejudice to the party seeking the sanction.” *Forster v. Gianopoulos*, 105 Conn. App. 702, 711 (2008) (internal citations omitted); *Spatta v. American Classic Cars, LLC*, 150 Conn. App. 20, 27 (2014) (noting the “trial court may consider not only the presence of mistake, accident, inadvertence, misfortune or other reasonable cause . . . factors such as [t]he seriousness of the default, its duration, the reasons for it and the degree of contumacy involved . . . but also, the totality of the circumstances, including whether the delay has caused prejudice to the nondefaulting party”).

First, after two and a half years, multiple court orders, a litigation sanction confirmed by our Supreme Court, and express warning that “[f]ailure to comply with this order may result in sanctions including but not limited to a default,” Order, Dkt. 348.10, there can be no doubt that the Jones defendants’ failure to comply is “deliberate” and “contumacious.” *MacCalla*, 188 Conn. App. at 239; *Spatta*, 150 Conn. App. at 27.

Moreover, the materials sought here are significant to important aspects of the plaintiffs’ case, and their deprivation is prejudicial. The plaintiffs’ complaint alleges that “Jones has

deliberately employed [] false narratives about the Sandy Hook shooting, the victims, and their families as part of a marketing scheme that has brought him and his business entities tens of millions of dollars per year.” Sherlach Compl. ¶ 11. It alleged that “the Jones defendants concoct elaborate and false paranoia-tinged conspiracy theories because it moves product and they make money . . . not because they are eager to educate or even to entertain their audience.” *Id.* ¶ 103. It alleged that “[t]he false claim that the Sandy Hook shooting was a government-sponsored hoax designed to lead to gun control was therefore a prime narrative for attracting, augmenting, and agitating Jones’s audience.” *Id.* ¶ 98. These allegations are significant to the plaintiffs’ Connecticut Unfair Trade Practices Act claims. *Id.* ¶¶ 465–474 (alleging that the Jones defendants “unethically, oppressively, immorally, and unscrupulously developed, propagated, and disseminated outrageous and malicious lies about the plaintiffs and their family members, and they did so for profit,” a “deceptive practice and offended public policy”). Web-analytics and social media data for the Jones defendants’ websites and social media profiles is potentially key for demonstrating these points.

Additionally, the Jones defendants’ motivations for their actions are highly relevant not only for assessing what punitive damages are appropriate, but also in evaluating the intentionality of their actions, and/or whether their broadcasts were done with actual malice. Web and social analytics are relevant and could be material to these claims. Courts have held that “pressure to produce sensationalistic or high-impact stories *with little or no regard for their accuracy* would be probative of actual malice.” *Tavoulareas v. Piro*, 817 F.2d 762, 796-97 (D.C. Cir. 1987) (*en banc*) (emphasis in original). Likewise, “evidence that a defendant conceived a story line in advance of an investigation and then consciously set out to make the evidence conform to the preconceived story is evidence of actual malice, and may often prove to be quite powerful

evidence.” *Harris v. City of Seattle*, 152 Fed. App’x 565, 568 (9th Cir. 2005). The Jones defendants’ analytics are therefore potentially highly relevant to proving how these claims are borne out in the Jones defendants’ business practices.

Moreover, the Jones defendants themselves have taken the position that the Google Analytics data is highly material. They claimed that their “records show that, at most, they made \$342.55 from article and page referrals that contained the term ‘Sandy Hook’ out of a total of \$10.6 million in overall sales generated from site traffic.” Defs.’ Emerg. Mot. 3, Dkt. 348.00. They argued that that amount contradicted “*the whole theory of the case*,” which according to them, “is that [the Jones defendants] are *somehow motivated to do Sandy Hook stories to get money*.” 6/2/21 Hrg. Tr. 17:19–18:6 (emphasis added). They “want[ed] to highlight” the data because, according to them, it “[s]eems like this is a loser of a story in terms of moneymaking.” *Id.* In doing so, they were asking the Court simply to take their word that the data does not bear out the plaintiffs’ “whole theory of the case”—and decide no one needs to see it at all. Whatever the illogic of this argument, it acknowledges that the data is highly material.<sup>5</sup>

This was not the first time the Jones defendants had argued this information is material. On June 12, 2019, the Jones defendants broadcast an episode of the Alex Jones Show entitled “GOOGLE’S ANALYTICS PROVE INFOWARS HAS NO SANDY HOOK MARKETING: Specialist destroys MSM agenda.” Ex. J, Alex Jones Show, *Google’s Analytics Prove Infowars Has No Sandy Hook Marketing*, Infowars.com (June 12, 2019). In it, FSS IT manager Michael Zimmerman joined Jones “to show and prove how, contrary to Democrat attorneys and judges,

---

<sup>5</sup> Notably, for these representations to be true, the Jones defendants must have enabled the e-commerce function of Google Analytics back in 2012, and they must have “very significant” e-commerce data that they have failed to provide the plaintiffs. Campbell Aff. ¶ 15. If they did not have this function enabled—and they do not have that data—then their representation cannot establish what it purports to establish, *id.*, and is misleading.

Infowars has no alleged ‘Sandy Hook marketing’ and makes no money from Sandy Hook video views, which happen to be less than 1% of all views.” *Id.*

Lastly, the refusal to produce this information is prejudicial because it materially impedes discovery. The plaintiffs should have received this information years ago. They should have been able to depose the Jones defendants’ [REDACTED] [REDACTED] regarding the performance of their social media. They should have been able to plan their approach to discovery based on a thorough analysis of both the withheld Google Analytics data and the late-produced and partial social media analytics.

For all these reasons, the Jones defendants’ refusal to produce this information is highly prejudicial.

#### **IV. CONCLUSION**

For all the foregoing reasons, the plaintiffs’ motion should be granted. The plaintiffs ask that the Court find as follows:

1. The Google Analytics data was not produced;
2. The non-production was deliberate and unexcused;
3. In an order to delay or avoid production, the Jones defendants presented misleading, inaccurate and incomplete information concerning the capabilities of their Google Analytics account;
4. The noncompliance is highly prejudicial;
5. The late and only partial production of social media analytics is also unexcused and prejudicial.

The plaintiffs request that the Court consider this conduct in combination with the additional sanctionable conduct committed by the Jones defendants to date in determining that the only proportional sanction is default.

THE PLAINTIFFS,

By: /s/ Christopher M. Mattei  
CHRISTOPHER M. MATTEI  
ALINOR C. STERLING  
MATTHEW S. BLUMENTHAL  
KOSKOFF KOSKOFF & BIEDER  
350 FAIRFIELD AVENUE  
BRIDGEPORT, CT 06604  
[asterling@koskoff.com](mailto:asterling@koskoff.com)  
[cmattei@koskoff.com](mailto:cmattei@koskoff.com)  
[mblumenthal@koskoff.com](mailto:mblumenthal@koskoff.com)  
Telephone: (203) 336-4421  
Fax: (203) 368-3244  
JURIS #32250

**CERTIFICATION**

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and *pro se* appearances as follows:

***For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:***

Jay Marshall Wolman, Esq.  
100 Pearl Street, 14th Floor  
Hartford, CT 06103  
[jmw@randazza.com](mailto:jmw@randazza.com)  
P: 702-420-2001

Norman A. Pattis, Esq.  
Kevin Smith, Esq.  
Pattis & Smith, LLC  
383 Orange Street, First Floor  
New Haven, CT 06511  
P: 203-393-3017  
[npattis@pattisandsmith.com](mailto:npattis@pattisandsmith.com)  
[ksmith@pattisandsmith.com](mailto:ksmith@pattisandsmith.com)

***For Genesis Communications Network, Inc.***

Mario Kenneth Cerame, Esq. (and via USPS)  
Brignole & Bush LLC  
73 Wadsworth Street  
Hartford, CT 06106  
[mario@brignole.com](mailto:mario@brignole.com)  
[mcerame@brignole.com](mailto:mcerame@brignole.com)  
P: 860-527-9973

/s/ Christopher M. Mattei

CHRISTOPHER M. MATTEI

ALINOR C. STERLING

MATTHEW S. BLUMENTHAL



# EXHIBIT A

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

\* \* \* \* \*

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

\* \* \* \* \*

B E F O R E:

THE HONORABLE BARBARA N. BELLIS,

Judge

A P P E A R A N C E S:

Representing the Plaintiffs:

ATTORNEY ALINOR C. STERLING  
Koskoff Koskoff & Bieder  
350 Fairfield Avenue  
Bridgeport, Connecticut 06604

Representing the Defendant, Alex Jones:

ATTORNEY NORMAN A. PATTIS  
ATTORNEY KEVIN M. SMITH  
Pattis & Smith  
383 Orange Street  
New Haven, Connecticut 06511

Representing the Defendant, Midas Resources:

ATTORNEY STEPHEN P. BROWN  
Wilson Elser Moskowitz Edelman & Dicker  
1010 Washington Boulevard  
Stamford, Connecticut 06901

Representing the Defendant, Cory Sklanka:

ATTORNEY KRISTAN JAKIELA  
Regnier Taylor Curran & Eddy  
100 Pearl Street  
Hartford, Connecticut 06103

Recorded and Transcribed By:  
Patricia Sabol  
Court Monitor  
400 Grand Street  
Waterbury, Connecticut 06702

1 THE COURT: Good afternoon. Please be seated.  
2 We're here on the Lafferty and related matters.  
3 If you could please identify yourselves for the  
4 record.

5 ATTY. STERLING: Yes, your Honor. Alinor  
6 Sterling, Koskoff Koskoff & Bieder, for the  
7 plaintiffs.

8 ATTY. BROWN: Good afternoon, your Honor.  
9 Stephen Brown from Wilson Elser on behalf of Midas  
10 Resources.

11 ATTY. JAKIELA: Good afternoon, your Honor.  
12 Kristan Jakiela on behalf of Cory Sklanka.

13 ATTY. PATTIS: Good afternoon, Judge. Norm  
14 Pattis on behalf of the Jones defendants.

15 ATTY. SMITH: Kevin Smith, also on behalf of the  
16 Jones defendants, your Honor.

17 THE COURT: All right. Just give me one moment.  
18 So I'm sure plaintiffs' counsel and co-defense  
19 counsel has seen the motion for extension of time that  
20 was filed yesterday?

21 ATTY. STERLING: Yes, your Honor.

22 THE COURT: And there were also some RFA's that  
23 the plaintiff filed yesterday.

24 So I'll hear both sides, but I actually just had  
25 a question just to clarify. When I read the March  
26 21st Jones defendant motion, there was a statement on  
27 page 3, Attorney Pattis, that said the defendants were

1 under the impression that their compliance had been  
2 tendered. And I'm wondering if you could explain  
3 that. Also, I did have a question for both sides. If  
4 memory serves, when I was addressing what limited  
5 discovery there would be, I thought we had  
6 interrogatories and requests for production.

7 ATTY. PATTIS: I do have an explanation. It will  
8 take a few moments, and I'd ask you to bear with me.  
9 I've had -- I have discussed with Mr. Jones and I have  
10 his consent to relate the following. And with your  
11 permission, I'd also tender several affidavits today.  
12 This is the history of -- I will take responsibility  
13 for my side of the aisle. I am counsel of record and  
14 going forward I will be sole counsel of record. Some  
15 of the things that have occurred and for which the  
16 Court appears prepared to act I don't think are the  
17 fault of either my client or myself. And I'm asking  
18 you to reconsider the denial of the motion to extend  
19 and here's why. And I will get to the point you  
20 raised.

21 THE COURT: Can we get to it sooner rather than  
22 later?

23 ATTY. PATTIS: I'll get to it right now.  
24 Initially, counsel was Mark Randazza and the Rondazza  
25 firm. Jay Wolman is the Randazza firm's  
26 representative in Connecticut. He was not counsel of  
27 choice for Mr. Jones.

1 THE COURT: Can I just stop you there, Attorney  
2 Pattis? Attorney Wolman was the one who filed his  
3 appearance.

4 ATTY. PATTIS: Understood. I'm trying to explain  
5 what -- I really am being responsive to your question.

6 THE COURT: Okay.

7 ATTY. PATTIS: Mr. Randazza was not permitted to  
8 enter. Barnes surfaced. He is a close --

9 THE COURT: I'm sorry. I didn't hear that. Mr.

10 --

11 ATTY. PATTIS: Randazza was not permitted to  
12 appear pro hac vice. Barnes had Mr. Jones' ear.  
13 Apparently they are -- these two knew one another  
14 before this case. This is where I've been given  
15 permission to waive the attorney-client privilege as  
16 to Barnes by Mr. Jones. Barnes persuaded Jones that  
17 he had viable privilege claims that Mr. Wolman did not  
18 support. In particular, a claim that under Griswold  
19 versus Connecticut, you can claim the right to privacy  
20 as a privilege with respect to some of these discovery  
21 responses. Mr. Wolman wouldn't sign on to that, and  
22 there was a breakup.

23 At that point, Barnes contacted me some time in  
24 late February. And I filed an appearance under the  
25 representation that I would be moving him in pro hac  
26 vice. As I represented to you earlier, I thought I  
27 was going to be working under his direction. And he

1 represented to me that he was going to manage Mr.  
2 Jones' legal disputes related to these claims in  
3 several jurisdictions.

4 When I was -- to get to the only question you've  
5 asked, Alex Jones was under the impression and had  
6 been told by Barnes that full compliance -- he had the  
7 material to fully comply in late February. And Jones  
8 did not learn until apparently this week that that was  
9 not the case.

10 THE COURT: So let me just -- I apologize because  
11 I want to make sure I'm understanding this. So you're  
12 telling me that Mr. Jones relied on the advice of  
13 counsel who doesn't represent him in this case?

14 ATTY. PATTIS: I am telling you that Mr. Barnes  
15 -- correct. Correct. And so I will take  
16 responsibility for that. Okay. I came in and I  
17 represented to you last time we were here that I  
18 expected Barnes to appear pro hac vice, and I was  
19 going to file that motion. I was informed shortly  
20 thereafter that he would not be appearing. And at  
21 that point I turned up the heat and said, I need  
22 discovery compliance. And I received materials from  
23 Barnes late on the day of March 20th.

24 THE COURT: Because when you filed your motion --  
25 one of your motions for extension of time, the one  
26 that I denied, the motion had said that you hadn't  
27 received or reviewed any documents yet.



1           ATTY. PATTIS: Not -- if I said none, I  
2 overstated it. I had received several inches worth.

3           THE COURT: I think you said that you had, on  
4 March 18th, on that motion for extension of time, that  
5 you had not been given any documents to review or  
6 produce. That was what you said in your March 18th  
7 because I really --

8           ATTY. PATTIS: I am going to correct that. I was  
9 given about two inches of documents, and I didn't seek  
10 an order to do rolling discovery because I had -- and  
11 I was given those documents on or about March 6th. I  
12 was also given some interrogatory responses on March  
13 6th. Those interrogatory responses were not  
14 satisfactory to my way of thinking. And I took steps  
15 to get them amended. I don't have them at this point.  
16 But in terms of the bulk of documents, there are nine  
17 point three --

18           THE COURT: Let me just interrupt you, Attorney  
19 Pattis, and I apologize, and I'm going to give you  
20 honestly as much time as you need. So I'm just trying  
21 to figure out the March 21st motion that you filed  
22 that I read very carefully that Mr. Jones was under  
23 the impression that full compliance had been tendered,  
24 I'm just trying to understand how he could be under  
25 that impression if he hadn't signed off under oath on  
26 the interrogatory responses. So you wouldn't be  
27 mistaken. Regardless of what anyone told you, four



1 lawyers are involved now. All right. So four  
2 different lawyers. If you haven't signed  
3 interrogatory answers under oath, how can you believe  
4 that full compliance had been tendered? It doesn't  
5 seem to be a reasonable belief, if I accept that  
6 version.

7 ATTY. PATTIS: Well, I'm representing, as your  
8 officer, the facts as I know them to be.

9 THE COURT: I am not -- Attorney Pattis, I am not  
10 in any way shape or form casting aspersions. I accept  
11 your representations as an officer of the Court. But  
12 your representation is what his impression was, what  
13 he believed. And that's why I started out asking  
14 about interrogatory answers. You can't -- how could  
15 your client be under the impression that full  
16 compliance had been tendered if he had never signed  
17 the interrogatories under oath?

18 ATTY. PATTIS: He had signed the interrogatories,  
19 but not the requests for production. I don't know if  
20 I shared with you, I shared with co-counsel, that the  
21 interrogatories, that responses came with some  
22 handwritten material on it, confidential and subject  
23 to protective order, which I recognize to be Mr.  
24 Jones' handwriting. And then he signed on the last  
25 page. That's meaningless to me. I'm not going to  
26 tender a document that's meaningless.

27 THE COURT: So you have in front of you a set of

1           interrogatory answers that you're not satisfied with  
2           that he signed under oath?

3           ATTY. PATTIS: Right, I do.

4           THE COURT: On that date.

5           ATTY. PATTIS: March 6, 2019. That was the day I  
6           believe they were due. At that point, I was operating  
7           on the assumption, Judge, that I was his -- I was  
8           local counsel for someone who had yet to appear. They  
9           were prepared over my signature. I wasn't prepared to  
10          sign off on them because I had had no opportunity to  
11          do any due diligence. And that was the reason for  
12          seeking a continuance.

13          As to the request for production, here's the  
14          backdrop on that: The database that must be searched  
15          here is composed of somewhere between nine point three  
16          and nine point six million emails. The request for  
17          individual searches is extremely time-consuming. For  
18          example, in one of the --

19          THE COURT: I accept that. I accept what you're  
20          saying that it's time-consuming, but not all of the  
21          production requests were for emails. There was  
22          marketing information. These were not all an e-mail  
23          search. So, for example, there would be, if I looked  
24          at them -- I don't have them in front of me -- I'm  
25          sure there are some production requests that are not  
26          burdensome to respond to and no substantial compliance  
27          was made. And I'm not -- you are representing the

1 Jones defendants, but they are -- it's their  
2 obligation to comply. And I'm dealing with Attorney  
3 Wolman's original representation with his first motion  
4 for extension of time that there was going to be  
5 significant document production by the initial  
6 deadline, which didn't happen. I think part of the  
7 problem --

8 ATTY. PATTIS: I can explain what happened there.

9 THE COURT: I think part of the problem is that  
10 your clients are maybe tying their own lawyers' hands  
11 by getting other lawyers involved so that nobody knows  
12 what anyone else is doing. That would be the most  
13 favorable light.

14 ATTY. PATTIS: I understand that, but I don't  
15 think --

16 THE COURT: The least favorable light would be  
17 manipulation.

18 ATTY. PATTIS: I don't think it was willful.  
19 With respect to the interrogatory responses, every  
20 single answer that I see -- and they prepared this for  
21 my signature. I will not tender this. Every single  
22 answer was -- and this is, I think, a misapprehension  
23 of law which you may recall you went out of your way  
24 to correct when last we were here. Every single  
25 answer -- this is March 6, 2019 -- all responsive  
26 unprivileged documents will be provided. All  
27 privileged documents will be logged and provided on a

1 privilege log. Now, he was operating under the  
2 assumption, which you corrected last time we were  
3 here, that privilege logs can be tendered after  
4 compliance. At that point, Judge, from my  
5 perspective, I'm local counsel. I'm going to advise  
6 him about the law. I advise him about the law, and I  
7 tell him we need compliance. I warned my client's  
8 in-house counsel, for lack of a better word, that the  
9 Court has made clear on the record that a consequence  
10 of noncompliance could be loss of a motion to dismiss.  
11 I write a letter urgently to that lawyer late last  
12 week saying, look, we've got to (indiscernible) this  
13 stuff. I don't know what's going to happen.

14 I have since spoken with Jones, met with personal  
15 representatives and spent more hours this week than I  
16 had to spend to try to get to the bottom of what  
17 happened. And here is what I am told. And this is  
18 based on interviews with my client, this is based on  
19 interviews with the IT person who's culling through  
20 his emails, this is based on interviews with personal  
21 representatives of his, this is based on interviews  
22 with Wolman, and this is based -- and I can, if  
23 necessary, get an affidavit from Attorney Barnes.  
24 This is from conversations and communications with all  
25 of them.

26 Mr. Jones was told by Mr. -- Mr. Jones' IT  
27 person -- and I have an affidavit from him -- named



1 Jeff Zimmerman, gave Barnes sixty thousand or so  
2 documents in late February. Barnes told my client  
3 that this was full compliance and that it would be  
4 tendered. No one told Jones until Tuesday of this  
5 week -- I don't recall the date, maybe the 19th. The  
6 19th is Tuesday. Nobody told Jones until the 19th of  
7 this week that that didn't happen. At that point --  
8 and I have authorization to tell you this -- I was  
9 going to withdraw or make a motion to withdraw today  
10 unless something else had happened because I cannot  
11 defend an empty chair.

12 Now, Mr. Barnes has been eased out of the picture  
13 and will no longer be involved in the case. I have an  
14 affidavit from Jones indicating to you that I've been  
15 given sole authority and responsibility for the  
16 management of discovery in this case. The decision  
17 not to tender partial discovery, that is entirely mine  
18 because my view was, if I could seek an extension  
19 until I could review it all, I would do so. I have  
20 not been local counsel enough in cases where I'm going  
21 to sign --

22 THE COURT: I understand that. Can I just  
23 interrupt you for one second? And you can sit if you  
24 want, whatever you're most comfortable with. Does  
25 anybody have either an extra copy or one copy -- and  
26 I'll have Mr. Ferraro make a copy of it -- of the  
27 interrogatories and production requests so that I can

1 look at them?

2 ATTY. STERLING: I have them.

3 THE COURT: Is that an extra set?

4 ATTY. STERLING: I don't have, unfortunately, an  
5 extra set.

6 ATTY. PATTIS: Judge, to advance things, I can  
7 give you a copy of the signed ones. I brought copies  
8 for everybody because I knew that this might come up  
9 today. So I'll just tender a copy to everyone to look  
10 at.

11 THE COURT: But these are the ones that you  
12 didn't want to submit because you didn't feel they  
13 were (indiscernible).

14 ATTY. PATTIS: I had an opportunity -- when I  
15 first got involved in this case, I put a call in to  
16 Attorney Sterling, who is known to me for many years  
17 as a reasonable person and, frankly, a friend. And it  
18 was made clear to me at this point there were some  
19 reservations about my client's correspondence. I  
20 don't recall if it was with Ms. Sterling or Mr.  
21 Mattei, but on March 6th when I received these things,  
22 I discussed what the answers were. I told them what  
23 they were. And somebody, I don't recall who it was --  
24 and I'm sorry, Alinor -- that one of the answers  
25 didn't satisfy them. The question is, name all the  
26 business entities and officers. And then the claim  
27 is, well, these entities don't exist anymore. I think

1 the good faith answer is they're not asking at this  
2 point who it is, but at the time relevant to the  
3 lawsuit.

4 THE COURT: Here's the thing, Attorney Pattis: I  
5 was told, not by you, but by the defendant Jones  
6 through his first counsel that there was going to be  
7 significant compliance even though they needed an  
8 extension. I'm struggling to find any good faith.  
9 You're new to the game and I accept what you tell me,  
10 truly I do, but any good faith on the part of the  
11 defendant. It's the defendant's discovery obligations  
12 here. So, for example, I'm just looking at the first  
13 few interrogatories. Even if some of the  
14 interrogatories had been answered properly under oath  
15 and then with the "to be provided", you know,  
16 something that was properly responsive to the  
17 interrogatories or production requests, not every one  
18 of the production requests requires a search through  
19 nine million or however many emails.

20 ATTY. PATTIS: That is my call, and I am solely  
21 responsible for that. My view was, I was going to  
22 respond once and then be done with it rather than get  
23 involved in rolling discovery, which is difficult to  
24 manage. I did not consult with my client on that. I  
25 made that decision. If there should be sanctions in  
26 that regard, they should be directed toward me and not  
27 -- me personally and not toward the client because I

1 made that decision.

2 Frankly, from my perspective, Judge, my state of  
3 mind was, you know, I've learned nine point three  
4 million -- for example, one of the search terms was  
5 give us every email that you have about the Sandy Hook  
6 families or family members. When you identify the  
7 plaintiffs, you identify their family members, it  
8 comes to over a hundred people. Each search of the  
9 nine point three database takes about twelve hours.

10 THE COURT: So if we just look at these. This is  
11 an easy one. So the fifth interrogatory, identify any  
12 witnesses you may call at a hearing on a special  
13 motion to dismiss. What's the answer to that under  
14 oath?

15 ATTY. PATTIS: The plaintiffs and Alex Jones.  
16 That's satisfactory as far as I'm concerned.

17 THE COURT: What about the first one, business  
18 organizations? Is that answered satisfactorily?  
19 That's a pretty straightforward one. I'd take about  
20 two minutes to figure that.

21 ATTY. PATTIS: After discussing with -- I don't  
22 recall whom, but I tell you I did. The second one,  
23 the answer is one that doesn't satisfy my adversaries.  
24 No employees are assigned the duties of marketing,  
25 data research, analytics concerning Infowars. The  
26 only analytics are conducted by a third party Google  
27 Analytics and Google Ad Manager. No marketing



1 analytics were ever done related to Sandy Hook. I  
2 discussed that and the question was, well, can you  
3 guys get the material from Google? I'm told the  
4 letter has been written to Google. I've asked for it.  
5 I don't yet have it. So that's the answer, but I've  
6 been informed that's an unsatisfactory answer. And,  
7 hence, the request for more time.

8 THE COURT: What about the other interrogatories?

9 ATTY. PATTIS: As to three, again, it may vary --  
10 I don't think it varies. I'd have to check. There  
11 were five sets.

12 THE COURT: I'm not even looking at the  
13 production requests. I'm just looking at the  
14 interrogatories.

15 ATTY. PATTIS: No employees were assigned the  
16 duties of investigating any matter concerning Sandy  
17 Hook on behalf of the case defendants. That's the  
18 answer.

19 THE COURT: What about the fourth one?

20 ATTY. PATTIS: This may vary on the entity. Two  
21 domain names are used and owned by Free Speech Systems  
22 to disseminate content concerning -- it's not a  
23 complete sentence. Two domain names are used by Free  
24 Speech Systems to disseminate content concerning this  
25 matter. And they are Infowars dot com and Prison  
26 Planet dot com. That's it.

27 THE COURT: All right. So when you look at the

1 production requests, it looks like some of the  
2 objections were sustained. I'm not --

3 ATTY. PATTIS: As to the financial matters and  
4 tax returns, yes.

5 THE COURT: Just roughly, let's say, just  
6 roughly, there's probably, say, sixteen that they have  
7 to respond to, just roughly. So there have to be some  
8 that you don't have the documents on. For example,  
9 number eleven -- and I don't have in front of me the  
10 rulings.

11 ATTY. STERLING: Your Honor, the rulings -- those  
12 were done after the rulings. So there's a couple  
13 notations where an objection was sustained in its  
14 entirety, but otherwise the language is the language  
15 that the Court approved. So that's fine.

16 THE COURT: That would have taken around three  
17 minutes to comply with.

18 ATTY. PATTIS: I actually have compliance. There  
19 are no documents in my possession. These are Court --  
20 the Court ordered these documents sealed, and they are  
21 placed in the lawyer's custody. So that is the  
22 answer. And, again, this is a problem that I have  
23 about the adequacy of the compliance, whether we need  
24 to seek a Court order, but I called and made a phone  
25 call because I remember reading something in the press  
26 --

27 THE COURT: It's possession or control, right?

1           ATTY. PATTIS: Well, but the claim -- and I don't  
2 know this as your officer and before I start flashing  
3 documents around, I want to know it, but what I'm told  
4 is the divorce transcripts were sealed and can only be  
5 released with a Court order. Now, what's paradoxical  
6 to me about that is the proceedings were nonetheless  
7 open to the public because I recall reading about it.

8           THE COURT: So you're suggesting that even though  
9 I've ruled this is the discovery in this case, that  
10 Court order doesn't satisfy the ability to get the  
11 transcript from his attorney?

12           ATTY. PATTIS: I'm telling you that when I moved  
13 for a continuance on March 6th, it was because  
14 precisely of things like this, and I was unwilling to  
15 put my name on it. I'm just not. And I don't think  
16 that's unreasonable on my part.

17           THE COURT: So were there any of the production  
18 requests at all that you're in a position that you  
19 feel that you have proper compliance at this point?

20           ATTY. PATTIS: As of today, yes. And I am told  
21 -- I'd like to bring this -- I appreciate your  
22 indulgence. Jeff Zimmerman -- so here's what I have  
23 done since -- before you denied my motion for  
24 extension. I've reached out to a data analytics firm  
25 and described the universe of items that need to be  
26 searched. I have --

27           THE COURT: I read that in your most recent

1 motion.

2 ATTY. PATTIS: I didn't know you denied my  
3 motion. I came back from an early day in court  
4 yesterday, so I had to get something out in a hurry.

5 THE COURT: (Indiscernible) data analytics.

6 ATTY. PATTIS: Whether my client will bear that  
7 expense or whether the plaintiffs will bear that  
8 expense, it's going to cost ninety to a hundred  
9 thousand dollars to have that information system by  
10 this firm go through the nine point three million  
11 emails and sort them. Mr. Zimmerman has done plenty.  
12 And he has completed under production request number  
13 one -- I have the following notes and I have received  
14 documents, Judge, in my office late Wednesday that  
15 I've not had a chance to review, but I'm told that 1A  
16 through N are completed, 2A through J, 3A through B,  
17 4A through G, 7A through O, 8A through N. 17A through  
18 F.

19 THE COURT: What about 18? That should be pretty  
20 easy.

21 ATTY. PATTIS: I'm told those are completed, but  
22 here's what I would like you to know and I have an  
23 affidavit if you need it. This young man, Mr.  
24 Zimmerman, has been involved in this search for weeks.  
25 To do a literal search of every term that the  
26 plaintiffs request would not be completed until April  
27 15, 2019. I didn't know that when I made my motion

1 for April 3rd, but one of the things that's occurred  
2 is the Texas -- the same kid is generating data for  
3 Texas. And that case has been based on priority  
4 because of the expedited schedule down there.

5 I'm also told, and I confirmed this this morning  
6 in a conversation -- forgive me for not recalling his  
7 name, the lawyer for Mr. Jones in Florida -- excuse  
8 me, in Texas -- that today they've turned over twelve  
9 thousand five hundred emails. They are under an  
10 order -- and I can get those and turn them over. They  
11 are under an order to complete discovery and/or face  
12 fairly significant sanctions, and they're hoping to  
13 have thousands more on Monday.

14 THE COURT: Does he have -- Attorney Pattis, does  
15 he have a different lawyer in the Texas case than --  
16 it's not Mr. Wolman, it's not Mr. Barnes, it's not Mr.  
17 Randazza? It's somebody else?

18 ATTY. PATTIS: No. Here's what's going on in  
19 Texas. And, again, it's awkward to put on the record,  
20 but I have authorization to do so. Mr. Barnes has  
21 apparently succeeded in being admitted pro hac vice in  
22 Texas. And, therefore --

23 THE COURT: Who's the local counsel there?

24 ATTY. PATTIS: Mark Enoch (phonetic spelling).

25 THE COURT: So that's a different lawyer?

26 ATTY. PATTIS: Right. Enoch is local counsel in  
27 Texas to the Jones defendants, and Mr. Barnes is pro



1            hac vice counsel. And there's been a struggle there.  
2            Candidly, Judge, what blew this into crisis mode for  
3            me and led me to consider withdrawing is I received a  
4            phone call and had my first communication with Texas  
5            counsel on Monday. And I had described a certain  
6            email I had written to Barnes last week and the  
7            failure to get a response to it. And that email I'm  
8            not prepared to share, but it warned of dire  
9            consequences. Three days passed and I didn't get a  
10          response. So I sent another email to Barnes saying,  
11          you know, what's up? Did you get my earlier email?  
12          And I began to get responses. And then my phone rang  
13          off the hook with people in the Jones organization who  
14          apparently did not know and then who had not been  
15          shown my communication with Barnes. And in those  
16          communications, Jones learned for the first time that  
17          although he believes that Barnes had a lot of  
18          material, perhaps sixty thousand documents or emails  
19          or whatnot since at least the end of February, which  
20          is why Zimmerman thought he could turn them over and  
21          Barnes had not done so.

22                THE COURT: If I could backtrack a little bit.  
23                So how many documents have been produced to date  
24                roughly in the Texas action? Just roughly, roughly.

25                ATTY. PATTIS: I don't think a lot. I think  
26                twelve and a half thousand as of this morning. There  
27                was a glitch yesterday where Texas thought they sent a

1 file, but three thousand of the pages were blank and  
2 this has led to more recriminations. They intend to  
3 send some thirty thousand more over the weekend or so  
4 I'm told. I was on a teleconference this morning  
5 where arrangements were made to bring in four lawyers  
6 over the weekend to produce.

7 And, Judge, what's more, I have been given  
8 assurances that I will be given everything that is  
9 tendered in Texas to tender here. The problem is the  
10 requests here are broader than the Texas requests.

11 THE COURT: All right. So if we can, if you  
12 don't mind, can you just go through the  
13 interrogatories and production requests that you  
14 believe you are prepared to comply with at this point?

15 ATTY. PATTIS: At this point I think I've made a  
16 significant error and poorly served the Jones  
17 defendants by not doing rolling discovery. If I had  
18 it to do again --

19 THE COURT: Well, if you don't mind, just humor  
20 me. Can we just go through them and just identify  
21 which ones you believe -- and I'm not holding you to  
22 these exactly, but which ones you believe -- because  
23 we're going to be together again on Tuesday.

24 ATTY. PATTIS: I wanted to seek relief on that,  
25 but I'm on trial, Mr. Smith and I, on a jury case. We  
26 were hoping we could be together to discuss this case  
27 on the 2nd. I know you need somebody to cover

1 Halbig's motions on the --

2 THE COURT: I do. I cannot go forward on that  
3 case without somebody -- I just don't want to put  
4 myself in that position.

5 ATTY. PATTIS: I will have an associate here to  
6 be a (indiscernible), but only Mr. Smith and I really  
7 understand this issue. So if you need to see us again  
8 on discovery issues, we would request the 2nd. One or  
9 the other of us can be here. We expect a verdict by  
10 then.

11 THE COURT: If you could just run through which  
12 interrogatories first. So there's five  
13 interrogatories. You already told me the answer to  
14 number five. So what about one, two, three and four  
15 in the interrogatories?

16 ATTY. PATTIS: I will give one --

17 ATTY. STERLING: I'm sorry to interrupt, your  
18 Honor. I just want to see which defendant we're  
19 talking about.

20 ATTY. PATTIS: All five defendants.

21 ATTY. STERLING: So all five. Okay.

22 ATTY PATTIS: I will tender all five and then  
23 wait for the other side to tell me they think it's  
24 insufficient and what I need to do to correct it.  
25 That's the error I made. I thought I should get it  
26 all done at once. I don't typically engage in motion  
27 practice.



1 THE COURT: Well, you're telling me that you,  
2 already looking at them can --

3 ATTY. PATTIS: I think it's a waste of time to  
4 waste the Court's time on discovery disputes. One is  
5 sufficient on its face as worded. I think it's worded  
6 poorly. Identify all business in which you have  
7 ownership and/or control. That speaks to today. I  
8 don't really think they asked about today. I think  
9 they meant to ask about a reach-back later. So my  
10 answer is facially satisfactory, but too cute for  
11 words. So I will tender it and let them say, no, we  
12 meant later.

13 As to two, there is no one responsible for  
14 marketing data, and we stand by that answer. I'm  
15 asking for the information that suggests that they  
16 were in touch with Google Analytics. At this point I  
17 don't have it. I spoke to a person in personnel this  
18 week about that.

19 Three, as to employees, there are none. I'm  
20 prepared to tender that. The domain names or the URL,  
21 whatever they are, those are in here and I can tender  
22 that and the answer to witnesses is the same for each.  
23 So I can offer those today.

24 THE COURT: All right. And the production  
25 requests, out of the sixteen or so, can you just --  
26 you don't have to -- can you just identify which ones  
27 that you would be able to make partial compliance to?

1 ATTY. PATTIS: Yes. May I have a moment, Judge?

2 THE COURT: Take your time.

3 Attorney Sterling, do I have your only copy?

4 ATTY. STERLING: You do. It's --

5 THE COURT: I'm going to give it back to you. I  
6 can have --

7 ATTY. STERLING: Obviously I have more back at  
8 the office, but it's -- I'm managing. It's okay.

9 ATTY. PATTIS: Judge, we have received this week  
10 late in the day on the 20th what I was told were sixty  
11 thousand emails. We've had some difficulty  
12 downloading them that has crashed our system, but as  
13 of this moment, I have thirty-seven thousand of them  
14 on a hard drive. There are two issues. One -- well,  
15 there are three issues. Whether any serious claims of  
16 journalistic privilege are going to be interposed or  
17 not. But the pressing issue is the attorney-client  
18 privilege. I was on the phone with Texas counsel.  
19 They are scrubbing to make sure there's nothing  
20 privileged in here. What we're trying to get them to  
21 do is give us information from the so-called tip line  
22 or confidential informant line. I'm told that's some  
23 fifty to sixty thousand emails. And we should be able  
24 to get those and produce them quite quickly.

25 As to the topics in one, Sandy Hook is what  
26 crashed our system. However, there are emails that  
27 are responsive to Newtown, to Adam Lanza, to crisis

1 actors. There are about eight -- I guess you won't  
2 find it hard to believe. There are about eighty-nine  
3 hundred of them or more that relate to Wolfgang  
4 Halbig. And so we've got a number of them.

5 THE COURT: Are there any production requests  
6 that you can fully comply with at this point?

7 ATTY. PATTIS: By --

8 THE COURT: Except for 18. I think you told me  
9 18 you were all set on, the communications with any  
10 other plaintiffs.

11 ATTY. PATTIS: To be honest with you, Judge, I  
12 didn't get what I got from Barnes until Wednesday  
13 afternoon. I was in a court trial until midday  
14 yesterday. It settled abruptly. And so I have not  
15 had a chance to look at what he sent me. But I know  
16 that I'm sitting on at least thirty-seven thousand  
17 emails. And I discussed an additional ten or twelve  
18 thousand more. So I believe that by Monday I can make  
19 a showing of thirty to forty thousand emails.

20 The issue that came up in a conference call this  
21 morning is whether there are attorney-client  
22 privileges. And because of the exigency in Texas  
23 where there's a mandatory timeline, there was a  
24 literal discussion about whether to waive the  
25 attorney-client privilege so as to comply. And no one  
26 is comfortable with that. So a series of lawyers are  
27 being brought into the Texas firm to at least scan the

1 documents to make sure they're not turning over  
2 privileged material. So I think I'm close, but the  
3 downside is, if Mr. Zimmerman --

4 THE COURT: Attorney Pattis, isn't that usually  
5 how it's done in these kind of cases, that there are a  
6 team of young associates or young lawyers or whoever  
7 on the document production --

8 ATTY. PATTIS: And there has been. I've spoken  
9 to a young man who spent six days at Mr. Jones'  
10 facility --

11 THE COURT: Early on, though, before your  
12 involvement.

13 ATTY. PATTIS: Correct. And so my -- I have two  
14 people who are working full time on this matter right  
15 now. And I can't work on what I'm not given. So my  
16 contention is and my firm belief is, while I'm not  
17 happy to be responsible for a file where there is no  
18 compliance, but I'm hard-pressed to know what more I  
19 could have done. Perhaps I should not have appeared  
20 or I should have waited to file an appearance together  
21 with the pro hac vice counsel. I didn't. I relied on  
22 him. I know who he is. I've seen him around. I've  
23 heard about him. He represented and I was told that  
24 he had the client's confidence. What more should I  
25 have done? I tried to extend a professional courtesy  
26 to someone who was apparently less than candid with  
27 the client and sandbagged me.

1 THE COURT: So besides the search of the emails,  
2 what other document search is ongoing?

3 ATTY. PATTIS: I called a person who is involved  
4 in -- so I'm led to believe that the Jones defendant  
5 and related entities employed as many as 75 people,  
6 maybe 77. I've heard two estimates. So I have asked  
7 for organizational charts that would help me  
8 understand the difference between one entity and the  
9 other and the relationship. And I'm told they are  
10 largely -- it's largely informally managed.

11 One of the issues that remains in dispute, and I  
12 don't know if it's too late to object, they don't want  
13 to give a list of all their employees like janitors,  
14 this and that and everything else because Mr. Jones is  
15 concerned about retaliation against people close to  
16 him for political --

17 THE COURT: Well, the objections were already  
18 dealt with, and there is a process in place for  
19 confidentiality issues. So I suppose with something  
20 like janitors' names, I got to think that you and  
21 Attorney Sterling could probably reach an agreement as  
22 to how not to publicize those names.

23 ATTY. PATTIS: So I have spoken to a human  
24 resources person to begin to get that data together.  
25 I have met with individuals as recently as this  
26 morning close to the Jones organization to try to get  
27 to the bottom of all this. I've been invited down to



1 do what I need to do, if I'm given time and need to go  
2 down. I don't know what more I could have done. I  
3 genuinely believed that Mr. Barnes had Mr. Jones'  
4 confidence. It was represented to me by Barnes and  
5 others that he was brought in to manage the litigation  
6 in the various courts. And I did what a pro hac vice  
7 counsel, or what a person sponsoring counsel does. I  
8 stood by and took a subordinate role.

9 Last week when it was clear that was working to  
10 the client's detriment, I'll be candid, I consulted my  
11 lawyer, who's Willie Dow. And I described the  
12 situation to try to find out what my ethical  
13 obligations were. And he basically said that I was in  
14 a very precarious situation. So I took the steps that  
15 I needed to take to protect myself. And the result is  
16 that Mr. Barnes is no longer in the picture, and I am  
17 it. And I'm told I have full responsibility.

18 THE COURT: You had mentioned sanctioning you,  
19 which I've never done a sanction in sixteen years and  
20 I'm sure not going to start now. But this discovery  
21 obligation is not your obligation. It's the  
22 defendant's obligation. That is -- it's not what you  
23 know, it's not what you don't know. It is the party's  
24 obligation to fully and fairly comply with requests  
25 for disclosure and production. So any sanctions would  
26 be to the party here and not to you.

27 ATTY. PATTIS: Well, except I did err. I could

1 have done rolling discovery and I regret it now.  
2 That's been the approach in Texas. Of course, it  
3 hasn't stopped things from --

4 THE COURT: Has that motion to dismiss been  
5 adjudicated yet?

6 ATTY. PATTIS: No. My understanding is that a  
7 decision -- and Attorney Sterling can correct me if  
8 I'm wrong -- a decision has to be tendered by June  
9 2nd, I believe.

10 THE COURT: Has it been argued?

11 ATTY. PATTIS: No. It will be argued in May.

12 ATTY. STERLING: No, your Honor.

13 THE COURT: So they're still doing their  
14 discovery.

15 ATTY. STERLING: They're doing rolling  
16 production. There's a holdup with discovery there, as  
17 I understand it. There was a ruling on the reporter's  
18 privilege in which the privilege claim was largely  
19 rejected. And the plaintiffs in that case chose to go  
20 forward with Mr. Jones' deposition and the deposition  
21 of the corporate designees without documents, which  
22 has now become a basis for a motion for sanctions in  
23 that case, with them claiming they're prejudiced by  
24 having to go forward, which they had to do because the  
25 Texas timeline was so tight.

26 THE COURT: So, Attorney Sterling, I've given  
27 Attorney Pattis the entire floor the whole time and,

1 of course, I will give you equal time, but I have to  
2 just tell you what I'm considering at this point so  
3 you can respond to it and Attorney Pattis can respond  
4 to it, as well. I would like to -- I don't want to  
5 wait until April 2nd. I would like to address the  
6 issue of whether your motion should be granted with  
7 regard to precluding the motion to dismiss, whether  
8 Attorney Pattis' motion for reconsideration on the  
9 extension of time, whether the Court should reconsider  
10 that. But I would like to see if the landscape is  
11 going to change. If we were to come back Monday or  
12 Tuesday and you were to tell me, well, I got the  
13 twelve thousand five hundred documents today and the  
14 other thirty thousand documents that were expected  
15 over the weekend, so on Monday I had forty-two  
16 thousand five hundred documents and I got the  
17 interrogatory answers under oath and I got production  
18 18 and whatever other production requests can be  
19 satisfied, that, to me, would change the landscape a  
20 little bit, perhaps. So I think I would rather give  
21 the defendants an opportunity to do that and then  
22 address your motion and address Attorney Pattis'  
23 motion. It doesn't make a difference if it's heard  
24 today or heard next week.

25 ATTY. STERLING: Of course, your Honor, if that's  
26 the Court's preference, that's what we'll do. I mean,  
27 I do have some responses to what's been said here



1 today. I think that there's been a lot of indications  
2 that Attorney Barnes was a bad actor. I think if the  
3 Court looks back down the timeline, though, December  
4 10th is the date that the Court determined that  
5 discovery would be permitted. January 10th is the  
6 date that the Court determined the content of the  
7 interrogatories and request for production. After  
8 January 10th, we were in court on January 23rd,  
9 January 31st, February 14th, and February 21st, and on  
10 none of those days did defendant's counsel, who was  
11 then Attorney Wolman, say anything about difficulties  
12 in meeting a February 25th production date.

13 THE COURT: Actually, the deadline was the 23rd,  
14 right?

15 ATTY. STERLING: I may be mis --

16 THE COURT: I think you rounded it off. But  
17 that's not a court filing. That's just discovery  
18 responses. So as far as I'm concerned it was the  
19 23rd.

20 ATTY. STERLING: Yes.

21 THE COURT: Attorney Pattis, I know you're not  
22 responsible for that because that was before you were  
23 in the case, but you can see how it's troublesome to  
24 the Court because nobody in this room wants to be  
25 manipulated. But when we have a February 23rd  
26 deadline and the Jones defendant's counsel is in the  
27 courtroom two days before we address, I believe, the

1 confidentiality order protective order and whatever  
2 other issues were brought to me and I always ask, is  
3 there anything else? There was never a mention from  
4 the Jones defense counsel that, in fact, there wasn't  
5 going to be compliance. So that's the problem. That  
6 would have been the time. So can you respond to that?  
7 I know that you're answering for somebody else, but  
8 that's still what the case -- what's been going on,  
9 that's the history.

10 ATTY. PATTIS: So here's all I know based on the  
11 interviews that I conducted this week: Apparently Mr.  
12 Zimmerman was not made aware of this data request  
13 until sometime well after it was initially tendered.  
14 This would have been sometime in January. Zimmerman  
15 has told others that he gave Jones what he had late in  
16 February so that when Wolman appeared here on February  
17 25th, I believe he knew that Jones was coming into the  
18 (indiscernible), that Barnes was coming into the case,  
19 but they were having this dispute about what to do  
20 about privacy. And Wolman would not sign on to the  
21 Griswold claim. And I can't say I blame him.

22 THE COURT: All right.

23 ATTY. PATTIS: But I understand what Attorney  
24 Sterling says. The thing that floored me this week, I  
25 requested an affidavit from Zimmerman, and I was told  
26 for the first time this week that strict compliance  
27 with everything requested couldn't be done until April

1 15th. And I had previously requested until April 3rd  
2 myself thinking all this was done. Now, it may be  
3 that Attorney Sterling and I can work on what she  
4 really means by family members and related people  
5 because if you do the family members and related  
6 people, they've actually searched the web to find out  
7 who these are, that's like four hundred people. And  
8 if it's going to take twelve hours per search, where  
9 are we going to be and when are we going to get there?  
10 I can only tell you what I know.

11 THE COURT: All right. Sorry I interrupted you,  
12 Attorney Sterling. I'm sorry.

13 ATTY. STERLING: Just a few more things. All  
14 with the mindset that we're trying to do expedited  
15 discovery, and we have pushed hard on our side to be  
16 available for expedited discovery. The Court knows  
17 how many times we've been back. So this is just  
18 turning into not expedited discovery, which means that  
19 the discovery stay remains in place indefinitely.

20 The other -- and I'm really trying -- I have no  
21 interest in casting stones at Attorney Pattis. I know  
22 the Court doesn't either. So I would like my comments  
23 to be understood in that regard. It was on March 7th  
24 that the Court warned both orally and in writing that  
25 failure to produce on the 20th would potentially  
26 result in denial of the anti-SLAPP.

27 On March 13th, we were back in court and Attorney

1       Pattis had indicated that he had advised people who  
2       need to know of the Court's observations. But not  
3       only that, it was a Court order. So it was out there  
4       for all to see. So that is just in and of itself  
5       extremely problematic and the fact that things were  
6       not provided to Attorney Pattis until March 18th.

7       The other thing that came up in the course of  
8       this hearing, and, obviously, I haven't seen any of  
9       the documents that have been referenced by Attorney  
10      Pattis, is that Mr. Jones apparently signed his  
11      affidavit on March 6th. The representation from  
12      Attorney Wolman was that compliance could be provided  
13      on February 25th, including those interrogatories.

14      So I'm not in a position to reconcile all these  
15      difficulties. What I can do is point to them and say  
16      to the Court, I understand Attorney Pattis is casting  
17      this in the absolute rosiest light, but the record  
18      doesn't look rosy. So I will say one thing about the  
19      sanction, and then I understand the Court's preference  
20      to proceed on Tuesday, which is that the sanction that  
21      we're asking for, which is denial of the anti-SLAPP on  
22      a summary basis isn't a sanction on the merits. It  
23      just allows the case to proceed to the merits. It  
24      allows us to do full discovery. From everything  
25      that's been represented, trying to do this discovery  
26      on an expedited basis isn't working very well. This  
27      is apparently a production of substantial numbers of



1 documents, if they materialize. But our case law is  
2 concerned with making sure that a determination on the  
3 merits is what happens, and that denying the  
4 anti-SLAPP would actually help us get to that point  
5 because at this point we're just stalled.

6 THE COURT: I'm not going to address that now,  
7 but I've said many times now that that special motion  
8 to dismiss is in jeopardy, but I wouldn't be denying  
9 it. I would be precluding it. I wouldn't address the  
10 merits of it.

11 But I do want to interrupt you because I would  
12 like to address this to Attorney Pattis, as well. One  
13 of Attorney Pattis' comments, which I accept, that he  
14 had originally asked for in his extension of time, I  
15 think, for April 1st now, but when you checked with  
16 the person who was doing the forensic examination, or  
17 whatever you call it, that that wouldn't even be  
18 possible. It would be April 15th. So, basically,  
19 what the representation is is that it -- it sounds  
20 like a solid month to do that forensic audit, or  
21 whatever you call it, of the emails. So I guess what  
22 I'm saying in a way that that's probably more  
23 difficult and more of a burden than was anticipated  
24 that was ever mentioned by anyone at any point,  
25 Attorney Wolman, and so forth. So it might have been  
26 impossible -- if it had been done properly, it might  
27 have been impossible for the Jones defendant to have

1 met that first deadline, given the number of emails  
2 and such.

3 ATTY. STERLING: Possible, although, your Honor,  
4 then the question arises, but if they were actually  
5 attempting to do this, why didn't we hear about it  
6 sooner? It's the first thing I would say if I was  
7 under a deadline like that. And also with the focus  
8 in this case on how hard we worked to set expedited  
9 deadlines.

10 So I don't really have a response to that at this  
11 point, your Honor. It's very difficult from where I  
12 sit because I don't have anything to review. I don't  
13 have a basis to know what's being produced. I  
14 don't -- the representations about what's being  
15 searched have shifted over the course of the discovery  
16 process. I just -- is there another way to ask that  
17 question of me, your Honor? I'm not giving a good  
18 answer, but I'm not quite sure what the Court's  
19 concern is.

20 THE COURT: Attorney Pattis, can I ask you, what  
21 is the like -- you also mentioned the cost involved of  
22 doing it. To be honest, would you like me to be  
23 straightforward here?

24 ATTY. PATTIS: Yes.

25 THE COURT: The Jones defendants at this point  
26 are coming from a position of weakness. They've blown  
27 past the Court's deadlines. There hasn't been a

1 single piece of paper or interrogatory answered. And  
2 now they're saying it's too costly. Wouldn't the  
3 better approach -- or that who's going to pay the  
4 ninety thousand dollars, or whatever it was that you  
5 said. Wouldn't a better approach be to turn over  
6 immediately the twelve thousand plus documents --

7 ATTY. PATTIS: Yes, I intend to.

8 THE COURT: The thirty thousand documents over  
9 the weekend, pay the costs of having your forensic  
10 examination of the emails instead of suggesting at  
11 this point that the plaintiff should bear that cost,  
12 answer the interrogatories that you identified the  
13 production requests that you can -- and then change  
14 the landscape in a way so there's some good faith.  
15 This would be the first step.

16 ATTY. PATTIS: That is entirely on me. And I  
17 wanted to comply fully because, candidly, I'm busy and  
18 I don't want to be involved on a piecemeal basis.  
19 That's my personal preference, but I'm not going to  
20 get my way here. So I think you're right.

21 As to the --

22 THE COURT: I'm going to interrupt you again.  
23 You are getting your way because nothing were to stop  
24 me from ruling on that motion and precluding the  
25 special motion to dismiss and just moving on with the  
26 case. So as far as I'm concerned, you did yeoman's  
27 work in --



1           ATTY. PATTIS: Can I order that piece of the  
2 transcript?

3           Can I just respond to one thing? I think it's  
4 important to notice here that it was the plaintiffs  
5 who have filed this action, and they sat on their  
6 claims for years until it was convenient for them to  
7 strike. And then we had thirty days (indiscernible).  
8 We had to file our motion in response. There's no  
9 case law about the scope of discovery here. But I  
10 don't think the Court really expected that there would  
11 be nine point three million emails to search and that  
12 searching each data firm one at a time was going to  
13 take upwards of six to twelve hours. So the Jones  
14 defendants contend, not that I've seen it with my own  
15 eyes, I'm making representations to you, that they've  
16 been at this for weeks. It's my recommendation that  
17 they go to the data firm. But here's the problem with  
18 the data firm: The data firm can only segregate and  
19 locate items. It can't do a privilege analysis. So  
20 there were several people in my office today. We were  
21 on the phone with people down in "Jonesville", as it  
22 were, trying to identify by rule of thumb items in  
23 which there could be no conceivable claims of  
24 privilege. And those should be things that came in  
25 through a so-called tip line or attorney-client  
26 privilege because at that point that's all I'm focused  
27 on. So I think there are ways to provide it, and I'd

1 be happy to do so if given permission.

2 THE COURT: I think it's unfortunate that -- and,  
3 again, I'm not laying blame on your feet because you  
4 weren't even involved, but I went along with the  
5 deadline. The deadline that I ordered was the  
6 deadline that Attorney Wolman had requested. So I  
7 gave him what he wanted. It sounds like you pretty  
8 handily, without much of a struggle, was able to  
9 determine that this was going to be an expensive  
10 search, and it was going to involve a lot of  
11 documents. If Mr. Jones' first attorney had done what  
12 you're doing, I would have been back probably with  
13 everyone maybe on January 30th, at which point I would  
14 have been told this is going to be -- it's going to  
15 take longer, it's nine million, or however many  
16 emails, but instead what happened -- and I don't want  
17 to beat a dead horse -- is that the deadlines were  
18 missed and they were like moving targets. This is --  
19 It's just --

20 ATTY. PATTIS: That may explain why there's been  
21 a change in counsel.

22 THE COURT: True.

23 ATTY. STERLING: Your Honor, just a few things.  
24 Two changes in counsel -- three. But one is, I would  
25 ask that with regard to the affidavits that Attorney  
26 Pattis mentioned today, could we have those submitted?

27 ATTY. PATTIS: Yes.

1           ATTY. STERLING: And with regard to the  
2 plaintiffs and the time we chose to file our  
3 complaint, I really think this is not the time to try  
4 to turn this on us.

5           ATTY. PATTIS: Well, it bears noting that --

6           THE COURT: No colloquy. Thank you.

7           All right. What else? Anything today? So  
8 here's what I don't want to do: I want to put these  
9 issues to rest one way or the other. And I had  
10 intended to do it today. I'm happy -- and since I'm  
11 the one that actually wanted that, we can do it next  
12 week. But I understand you're not available, Attorney  
13 Pattis, on the 26th?

14           ATTY. PATTIS: Well, here's the story: Mr. Smith  
15 and I are trying a case. The jury has been picked.  
16 We do not want to be perceived as dogging this file.  
17 Attorney Smith indicates tha he'll be here on Tuesday.  
18 I would prefer that he not, since --

19           THE COURT: Are you on trial on Monday?

20           ATTY. PATTIS: Yes, all week.

21           THE COURT: Monday, too. Every day?

22           ATTY. PATTIS: Yes.

23           THE COURT: Can I ask what town?

24           ATTY. PATTIS: Yes, Middletown. The case is  
25 State vs. Cuson (phonetic spelling). We expect the  
26 case, however, to end that week. So the following  
27 week is easy for us because it only takes one person

1 to monitor a jury. I would prefer to have Mr. Smith  
2 with me, but he'll be here Tuesday if you need him.

3 THE COURT: Well, I think I originally intended  
4 to just deal with Mr. Halbig's issues, but it would be  
5 helpful if we could maybe even do it at nine o'clock  
6 first thing and then you can get right on the road and  
7 get to Middletown. Quite frankly, I don't know if you  
8 want to do it here or in Bridgeport, whatever will be  
9 quicker for you. But I just want to be able to  
10 address at that point to see if there's some consensus  
11 if the landscape has changed at all. For example,  
12 forty-three thousand documents were given and  
13 interrogatory answers under oath. I don't want to get  
14 into a situation -- I don't want to get into ex parte  
15 problems.

16 ATTY. PATTIS: Would you consider calling Judge  
17 Suarez in Middletown and ask for an eleven o'clock  
18 start date on Tuesday? I'd like to be here myself.  
19 I'm the one who's made factual representations to you.  
20 And Mr. Smith will do a great job, but I've taken  
21 responsibility for this.

22 THE COURT: Let me just see what time -- so it's  
23 nine o'clock on Tuesday.

24 Ron, is that here or in Bridgeport.

25 THE CLERK: It's scheduled in Bridgeport.

26 THE COURT: All right. I will do that, but it's  
27 in Bridgeport and here's the problem: I can't really

1 change the Tuesday date because I'm concerned about  
2 notice to Mr. Halbig. And I don't want him going to  
3 the wrong court and the notice said Bridgeport. So,  
4 you know, I'm an early bird. I can -- well, I can't.  
5 I can't get anybody on the record. This has to be on  
6 the record, and I can't get a monitor before nine,  
7 but --

8 ATTY. PATTIS: We're happy to go to what we refer  
9 to as the devil's backyard or the home court for  
10 Koskoff Koskoff & Bieder.

11 Judge, I have a copy of the affidavits. I think  
12 there was a request that they be filed.

13 THE COURT: Can you just give me one moment, if  
14 you don't mind?

15 ATTY. PATTIS: I'm also handing to counsel the  
16 March 6th interrogatory responses, expecting to hear  
17 back from them.

18 THE COURT: Your start time with Judge Suarez  
19 would otherwise have been ten, right?

20 ATTY. PATTIS: That's my understanding, yes.

21 THE COURT: So I'm sending this to him right now.  
22 So just give me a moment.

23 ATTY. STERLING: Your Honor, counsel has handed  
24 me interrogatory responses that have handwritten on  
25 them "confidential" and "subject to protective order".  
26 Is that -- are you claiming them subject to protective  
27 order?



1           ATTY. PATTIS: No. I'm simply giving -- I'm not  
2 making claims as to this document. I'm complying with  
3 rolling discovery. There may be issues as to a  
4 protective order I'm not up to speed on. What's more,  
5 Judge, these are facially defective for two reasons.  
6 Mr. Jones signed them, but there's no attestation that  
7 he signed them. I'll be happy to correct that, as  
8 well. There's a wrong certification date on it.  
9 These were prepared for my signature without my  
10 reviewing them. But I want to give the other side the  
11 information I have and I'll cure these. But I'm  
12 simply giving them what I have to try to tilt the  
13 playing field.

14           ATTY. STERLING: But I'm asking just a very  
15 specific question, which is, are you claiming they are  
16 subject to the protective order because they say  
17 confidential and subject to protective order. That  
18 affects whether I can file them in court under seal or  
19 not.

20           THE COURT: My client wishes that they be so, so  
21 I'm making that claim, yes, on his behalf.

22           ATTY. STERLING: Okay.

23           ATTY. PATTIS: But with reservations. I'd prefer  
24 to wait until I had a chance to get to the bottom of  
25 it myself, but I don't want to (indiscernible).

26           ATTY. STERLING: So the claim --

27           THE COURT: These are just the interrogatories

1           you're talking about.

2           ATTY. STERLING: Yes, your Honor.

3           THE COURT: I think what I was anticipating when  
4 I saw you on Tuesday was hopefully new answers under  
5 oath with proper -- answers that fully and fairly  
6 comply with the interrogatories.

7           ATTY. PATTIS: I'll take care of that.

8           ATTY. STERLING: So I'm handing them back to  
9 counsel. I don't have them now.

10          THE COURT: All right.

11          ATTY. PATTIS: I have retrieved them. Thank you  
12 for the courtesy, Attorney Sterling.

13          THE COURT: All right. So I'm sure Judge Suarez  
14 will get back to me, unless he's out today. As soon  
15 as he does, I will tell Mr. Ferraro and he will let  
16 you know, but hopefully we can go that way. I think  
17 if it works out, we can start right at nine. We'll  
18 make it our business to be done in a half an hour.  
19 Mr. Ferraro tells me that Mr. Halbig has indicated to  
20 him that he doesn't plan on attending. So I'm still  
21 going to go forward with the disqualification conflict  
22 issue. So it probably will not take long with respect  
23 to Mr. Halbig's motions. So it will probably just be  
24 addressing this, but I don't want to get into Mr.  
25 Halbig's case at all because I don't want to be  
26 getting into any of the substance, just the  
27 scheduling.



1           ATTY. STERLING: Yes. With regard to scheduling,  
2           your Honor, since we understand that Mr. Halbig  
3           intends not to be present, or at least that's the  
4           representation now, would the Court want argument on  
5           the plaintiff's side -- I assume not -- with regard to  
6           the motion to dismiss and motion for change of venue?

7           THE COURT: I'm not going to address any of his  
8           motions if he's not there. I placed it down for the  
9           hearing on the conflict disqualification, and that I  
10          need to do for the record. So that's what I plan on  
11          doing on that date.

12          Okay. Anything else today? So I will see you  
13          hopefully Tuesday at nine and have a wonderful  
14          weekend. And we are adjourned.

15          (Court was adjourned.)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

\* \* \* \* \*

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

\* \* \* \* \*

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in the Superior Court, Judicial District of Waterbury, at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of March, 2019.

Dated this 27th day of March, 2019, in Waterbury, Connecticut.

A handwritten signature in blue ink, appearing to read "Patricia Sabol", is written over a horizontal line.

Patricia Sabol

Court Monitor

# **EXHIBIT B**

# RANDAZZA

---

## LEGAL GROUP

Jay Marshall Wolman, JD  
Licensed in CT, MA, NY, DC

**24 June 2021**

Via Email Only

Christopher Mattei  
<cmattei@koskoff.com>

Matthew Blumenthal  
<mblumenthal@koskoff.com>

Alinor Sterling  
<asterling@koskoff.com>

**Re: June 28, 2021 | Deadline for Production of Google Analytics**

Dear Counsel,

As discussed today, and as you are aware, the deadline for production of the Google Analytics is on June 28, 2021. The full dataset cannot be produced as an export, which thus means the only method of production is by live access to the dataset for your inspection. And, the Court previously declined to order us to provide you with a log-in. As a result, the only method for your inspection is the sandbox approach referenced during today's deposition. I recall previously making this offer to you, either during a telephone conversation or during the June 2 hearing (the transcript of which we are requesting to verify), but was not memorialized in writing and which Attorney Mattei did not recollect.

This method of inspection is akin to traditional paper discovery, where the requesting party is let into the storeroom of documents organized as kept in the ordinary course of business. You will have full liberty to run whatever searches Google Analytics permits and have full access to inspect the dataset. We envision two possible ways for this sandbox approach--we can provide you with a TeamViewer access to a Free Speech Systems computer connected to the Google Analytics or we can meet you at an agreed-upon location with a clean, new computer, where we will log-in the computer during the period of your inspection.

//

//

//

//

//

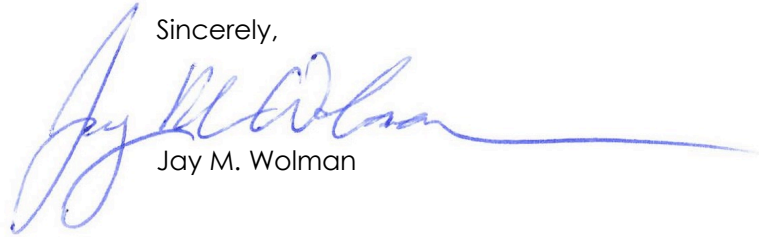
Randazza Legal Group  
Page 2 of 2

**RANDAZZA**  
LEGAL GROUP

Let us know which approach you prefer so that we can know if we are to meet up with you on or before the 28th.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay M. Wolman", with a long horizontal flourish extending to the right.

Jay M. Wolman

# EXHIBIT C

KOSKOFF KOSKOFF & BIEDER PC

June 25, 2021

Jay Marshall Wolman, Esq.  
100 Pearl Street, 14th Floor  
Hartford, CT 06103

**Re: Erica Lafferty, et al. vs. Alex Emric Jones, et al.**

Attorney Wolman:

I write in response to your letter, dated June 24, 2021, concerning data contained in your client's Google Analytics software application.

During yesterday's deposition of Free Speech Systems' corporate designee, you raised for the first time that your client is not prepared to produce its Google Analytics data by June 28 as the Court directed. You had not previously raised this issue with anybody in our office.

As it stands, your client is required to produce that long overdue data by June 28 in accordance with the Court's Order, dated June 2, 2021 (DN 348.10).

We do not agree with your statement that the Google Analytics "cannot be produced as an export." Your position is not consistent with information you provided to the Court on June 2, 2021, nor is it consistent with our understanding of Google Analytics' capability.

Finally, your proposal is not acceptable in any way. You propose to retain sole possession of the data the Court has ordered produced. You propose to permit us to view the data for a limited period of time under conditions you set. You propose to observe us during the period of time we have access to the data in a manner that would allow you to retain a record of our activity.

You proposed this on the evening of Thursday, June 24, and ask that we make ourselves available on or before Monday, June 28.

We expect complete production of the Google Analytics data in compliance with the Court's orders.

Sincerely,



Christopher M. Mattei



# EXHIBIT D

# RANDAZZA

---

## LEGAL GROUP

Jay Marshall Wolman, JD  
Licensed in CT, MA, NY, DC

25 June 2021

Via Email Only

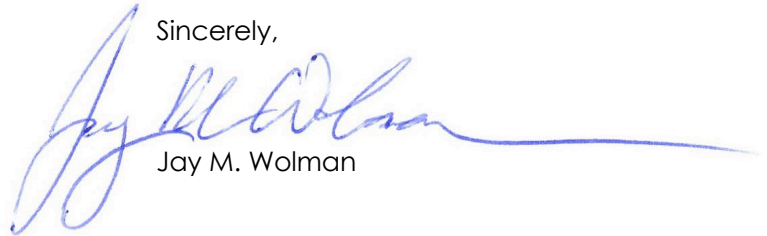
Christopher Mattei  
<cmattei@koskoff.com>

**Re: Lafferty v. Jones | Google Analytics**

Dear Attorney Mattei:

To be clear, there is no inconsistency. As set forth on June 2, to export the raw data, one must be an Analytics 360 member, i.e. a premium member. Free Speech Systems is not an Analytics 360 member, therefore it is impossible for it to export the data. As further offered on June 2, if Plaintiffs wish to make Free Speech Systems an Analytics 360 member, they have been welcome to do so. This offer was made on the record. Plaintiffs have declined this manner of production so far.

Sincerely,



Jay M. Wolman

cc: mblumenthal@koskoff.com, asterling@koskoff.com

# EXHIBIT E

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019
-----		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019
-----		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

ATTORNEY CHRISTOPHER MATTEI  
 ATTORNEY ALINOR STERLING  
 Koskoff, Koskoff & Bieder, PC  
 350 Fairfield Avenue  
 Bridgeport, CT 06604

Representing the Defendants Alex Jones; Infowars, LLC; Free  
 Speech Systems, LLC; Infowars Health, LLC; and Prison Planet  
 TV, LLC:

ATTORNEY KEVIN SMITH  
 Pattis & Smith, LLC  
 383 Orange Street  
 1<sup>st</sup> Floor  
 New Haven, CT 06511

Representing the Defendant Cory Sklanka:

ATTORNEY KRISTAN JAKIELA  
 Regnier, Taylor, Curran & Eddy  
 100 Pearl Street  
 14<sup>th</sup> Floor  
 Hartford, CT 06103

Representing the Defendant Midas Resources, Inc.:

ATTORNEY COLLEEN VELLTURO  
 Wilson Elser Moskowitz Edelman & Dicker  
 1010 Washington Boulevard  
 Stamford, CT 06901

Recorded By:  
 Colleen Birney  
 Transcribed By:  
 Colleen Birney  
 Court Recording Monitor  
 1061 Main Street  
 Bridgeport, CT 06604

1 THE COURT: Lafferty v Jones.

2 ATTY. MATTEI: All here, Your Honor.

3 THE COURT: All right. Just why don't you come  
4 on up and identify yourselves for the record, please.

5 ATTY. STERLING: Good morning, Your Honor;  
6 Alinor Sterling, Koskoff, Koskoff & Bieder, for the  
7 plaintiffs.

8 ATTY. MATTEI: Good morning, Your Honor; Chris  
9 Mattei for the plaintiffs.

10 ATTY. JAKIELA: Good morning, Your Honor;  
11 Kristan Jakiela, Regnier Taylor, on behalf of Cory  
12 Sklanka.

13 ATTY. SMITH: Good morning, Your Honor; Kevin  
14 Smith for the Jones defendants.

15 ATTY. VELLTURO: Good morning, Your Honor;  
16 Colleen Vellturo for Midas Resources.

17 THE COURT: All right. So tell me what motions  
18 need to be adjudicated today. And I do want to just  
19 state for the record what is probably clear to  
20 everyone at this point. I had said a few times that  
21 I thought that there was substantial enough  
22 compliance. So in effect I have really extended --  
23 had extended the deadlines for the defendant to  
24 comply. So that would be my ruling, just for the  
25 record, on the issue of the additional time to  
26 comply. I understand it's not necessarily 100  
27 percent complete compliance, but I think I've seen

1 enough of it at this point to afford the defendants  
2 the opportunity to pursue their special motion to  
3 dismiss.

4 So tell me what needs to be adjudicated today,  
5 which filings.

6 ATTY. MATTEI: Okay. Your Honor, we have docket  
7 entry 223. These, I believe, are from the Lafferty  
8 docket. 223, that is the Jones defendants' motion to  
9 compel compliance, which I think we can deal with  
10 pretty quickly. The 227, which is our motion to  
11 compel compliance. I believe the Court addressed 234  
12 at the last hearing. We filed 235, which is ready  
13 for adjudication. And we also filed 236, which I  
14 think given the Court's ruling that you just stated  
15 and your ruling on 234, we probably have resolved the  
16 issues there.

17 THE COURT: So why don't we take up first the  
18 issue -- 223 and the privilege log issue.

19 ATTY. SMITH: Yes, Your Honor. Your Honor, we  
20 provided a privilege log to the plaintiffs and I  
21 believe that Attorney Mattei and Attorney Pattis had  
22 a discussion this morning that I was told about on my  
23 way here, which I think resolves the issue, if I  
24 understand the agreement.

25 THE COURT: Okay.

26 ATTY. MATTEI: Yes, Your Honor. Attorney Pattis  
27 and I spoke. He agreed, and I hope this is what he



1 conveyed to Attorney Smith, that the motion to compel  
2 compliance can be -- is now moot. They submitted a  
3 privilege log. To the extent the plaintiffs wish to  
4 claim a waiver, it would be now on us to file a  
5 motion to compel disclosure.

6 THE COURT: All right. Okay. So I can cross  
7 that off the list.

8 ATTY. SMITH: That's my understanding, Your  
9 Honor.

10 THE COURT: All right. Then what's the next  
11 matter that's ready to be adjudicated? 227 is it?

12 ATTY. MATTEI: That's correct, Your Honor.

13 THE COURT: And is there a corresponding  
14 objection?

15 ATTY. MATTEI: I believe that was filed last  
16 night.

17 ATTY. SMITH: Yes, Your Honor. Attorney Pattis  
18 filed last evening a response to --

19 THE COURT: That's 239, right?

20 ATTY. SMITH: Yes.

21 THE COURT: And plaintiffs have had an  
22 opportunity to read that?

23 ATTY. MATTEI: Yes, Your Honor.

24 THE COURT: And have you had an opportunity to  
25 have any discussions after the filing of Attorney  
26 Pattis's objection last night?

27 ATTY. MATTEI: I spoke with Attorney Pattis in -

1           - in general about it. My understanding as far as  
2           the metadata issue, which I thought we had resolved  
3           last week. I defer to Kevin Smith on whether they're  
4           renewing the objection to that. But as I understood  
5           it, Attorney Pattis said that if the Court is  
6           inclined to require them to produce metadata  
7           associated with the documents they've already  
8           produced, that it would take two weeks to do that.  
9           My understanding is that on that issue, we were  
10          coming back here today just so they could tell us how  
11          long it would take.

12                 THE COURT: I -- that was my understanding as  
13          well that today we were going to address how long it  
14          would take to produce the metadata because I was of  
15          the opinion that the metadata should be produced.

16                 ATTY. SMITH: Understood, Your Honor. And I  
17          think that Attorney Pattis in his filing here  
18          believes that we have produced what is reasonably  
19          usable, which is what the Practice Book calls for. I  
20          indicated to Attorney Pattis what the Court's  
21          inclination was. And so you will also note that in  
22          our response we said if the Court is going to order  
23          that, then we would request an additional two weeks  
24          to be able to produce that.

25                 THE COURT: So ordered.

26                 All right. Next?

27                 ATTY. MATTEI: Your Honor, in our motion we next

1           asked that the defendants clarify the source of  
2           production for the documents they have produced. You  
3           may remember that at an earlier hearing, we raised  
4           this issue --

5           THE COURT: Well, I just want to back up for a  
6           minute. You're asking for something more than the  
7           Practice Book requires. Practice Book requires,  
8           right, the production to be made by the party making  
9           the production. You're now asking for more details -  
10          -

11          ATTY. MATTEI: No.

12          THE COURT: -- where the person who's making the  
13          production got the information from? No?

14          ATTY. MATTEI: No, not at all. What we're  
15          asking for is clarification as to which defendant has  
16          produced the documents, because what they've -- the  
17          current state of the record is that they've said all  
18          the Jones defendants have produced all the documents.

19          But they've also said that every Jones defendant  
20          other than Free Speech Systems is dormant and active  
21          and has no function. And so we are left with  
22          inconsistent representations about which defendants  
23          have produced documents. We believe that the reality  
24          is that only Free Speech Systems has produced any  
25          documents to us and that the other Jones entities  
26          haven't produced any documents. The problem is that  
27          they filed responses to our request for production

1 saying that they all have.

2 THE COURT: Well, I think that if the -- if the  
3 responses to the request for production are -- if  
4 that's the representation, the interrogatories are  
5 signed off and the responses to the requests for  
6 production have been made by the parties, then I  
7 think that's your answer right there. Whether you  
8 agree that it was properly done is a different issue.

9 But then you've got to cue that up somehow. But I  
10 mean, when -- when it's filed on behalf of a party,  
11 if you're now wanting to dig deeper, then you have to  
12 dig deeper another way. But you've already given me  
13 the answer, which is they've indicated who's filed  
14 it. You may disagree with it, but --

15 ATTY. MATTEI: Except that I think they made  
16 different -- other representations in court orally.  
17 And so if they want to proceed on that basis, it's  
18 going to make the depositions a little bit more  
19 difficult. But we were just hoping to have some  
20 clarification on that issue.

21 ATTY. SMITH: Your Honor, I would stand by our  
22 filing. That's -- we've taken the same position as  
23 the Court.

24 THE COURT: I think -- I think you stand by the  
25 filing. If things were said differently in court,  
26 then, you know, you can certainly inquire at the  
27 depositions. But I think that what really is -- has

1 more value is what was actually produced and signed  
2 off on. So if the indication was that all these  
3 defendants have signed off and produced the  
4 documents, then that's -- that's what you go on.

5 ATTY. MATTEI: Very well, Your Honor.

6 THE COURT: Okay.

7 ATTY. MATTEI: The next has to do with the  
8 manner of production. And this is I think closely  
9 related to the metadata issue. Just so Your Honor is  
10 aware, so we've received tens of thousands of  
11 documents, some of which are bate stamped, some of  
12 which are not. The Practice Book requires that  
13 materials be produced in a reasonably usable format.

14 THE COURT: Right.

15 ATTY. MATTEI: The biggest issue we see and the  
16 one that may, I think, tease it out most clearly is  
17 that they produced emails to us. The face sheets of  
18 those emails clearly show an attachment was  
19 associated with the original email, but the  
20 attachment has not been produced with the email  
21 itself. And so we don't know whether we've received  
22 any attachment. It may -- an attachment to the email  
23 may be part of the production, but if it's -- if it's  
24 not conveyed to us in a way where we can associate it  
25 with the email, it's completely unusable to us. And  
26 so what we're asking is for a more rational  
27 production that we can actually make sense of.

1 THE COURT: That doesn't seem like an  
2 unreasonable request. How can you accommodate that?

3 ATTY. SMITH: Your Honor, I believe, as Attorney  
4 Mattei alluded to, that will probably be resolved by  
5 virtue of getting everything in the native format  
6 with the metadata.

7 THE COURT: All right.

8 ATTY. SMITH: So I think that will fold into  
9 that.

10 THE COURT: Let's -- okay. Let's proceed on  
11 that with that hope, okay?

12 ATTY. MATTEI: Thank you, Your Honor.

13 THE COURT: Okay.

14 ATTY. MATTEI: The next issue has to do with Mr.  
15 Jones's signed interrogatory responses that Attorney  
16 Pattis described for the Court and which have not  
17 been produced, because Attorney Pattis at the time  
18 said I'm not -- I'm not satisfied with these; I'm  
19 going to produce other interrogatory responses, which  
20 I believe that they have. But the record as it  
21 stands right now is that Mr. Jones, a party to the  
22 case, signed interrogatory responses that have not  
23 been produced to us.

24 THE COURT: Okay. So here's -- this is news to  
25 me. So here's what I would say on that. I now  
26 retract my prior comments that there has been  
27 substantial compliance, good-faith, substantial



1 compliance because any interrogatory responses --  
2 anything that's been produced without the client's  
3 signature is really meaningless. And I say that  
4 every day in every case. So the product -- the  
5 responses need to be signed off by the party or  
6 they're -- so tell me how you're going to solve that  
7 problem.

8 ATTY. SMITH: Well, Your Honor, I think that  
9 that's not what Attorney Mattei is representing here.  
10 What Attorney Mattei is representing, and Your Honor  
11 may recall, when we were in Waterbury --

12 THE COURT: No, I do. I don't want to -- do you  
13 agree or disagree that the responses have not been --  
14 it's just the interrogatory responses that need to be  
15 signed, not the production.

16 ATTY. MATTEI: No. What I'm saying, Your Honor,  
17 is that earlier in the discovery process, Mr. Jones  
18 apparently completed --

19 THE COURT: No. I don't want to -- I don't want  
20 to revisit that. I'm just trying to figure out if  
21 there's consensus or not. So the interrogatory  
22 responses, have you received them signed by Mr.  
23 Jones?

24 ATTY. MATTEI: We've received a version of it,  
25 yes.

26 THE COURT: Okay. The current version, the  
27 update -- supplemental, current version has -- so I'm

1 getting -- Attorney Smith --

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: -- is saying they have been signed.

4 ATTY. MATTEI: Correct.

5 THE COURT: So we have -- so you have signed  
6 interrogatories.

7 ATTY. MATTEI: We do have them, yes, a version  
8 of them.

9 THE COURT: Okay.

10 ATTY. MATTEI: What we don't have is the version  
11 that Mr. Jones previously signed that Attorney Pattis  
12 has described for the Court and which were responses  
13 to our request for production, they simply declined  
14 to produce them.

15 THE COURT: I don't see why they have to. They  
16 don't -- they can -- not have to produce. If they --  
17 if they're working with their client and they have a  
18 set of -- first of all, I thought it was just  
19 interrogatory responses that got signed, not  
20 production.

21 ATTY. MATTEI: Correct.

22 THE COURT: Okay.

23 ATTY. MATTEI: But what we asked for in our  
24 request for production and which the Court authorized  
25 were statements like those Mr. Jones made in his  
26 interrogatories, which he signed. So in essence what  
27 we have is we have a party who has made a signed

1 statement about matters at issue in this case which  
2 are responsive to requests for production that have  
3 not been produced.

4 THE COURT: Well, you're arguing that it's a  
5 signed statement, and I actually don't agree with  
6 that. I think that people can work with their  
7 clients, have signed versions of interrogatory  
8 responses, and if they decide not to let it go any  
9 further, they don't have to produce it. I don't  
10 think that signing interrogatory responses makes it a  
11 statement under the Practice Book. So if he decided  
12 that he did not think that those were sufficient  
13 discovery responses and wants to rip it up and throw  
14 it in the garbage, I don't think there's anything  
15 wrong with that. I think that's a normal practice if  
16 you don't think that this -- just pulling on my own  
17 practice, I would get responses back from my client  
18 signed, and I would look at them and I would say I'm  
19 not going to turn these over because this is  
20 insufficient or whatever. So I would start a new  
21 version. And then when I was satisfied that the  
22 party had met their obligations under the Practice  
23 Book and that nothing was misleading or omitted, then  
24 I would produce the interrogatory responses.

25 You're pretty much saying that that's a  
26 statement of Mr. Jones and should be produced, and I  
27 disagree. So if those were not proper answers, then

1 he can rip them out and throw them out as far as I'm  
2 concerned.

3 ATTY. MATTEI: Thank you, Your Honor.

4 THE COURT: Okay. What else?

5 ATTY. MATTEI: The employee chart. We were  
6 provided with an employee chart in response to our  
7 request for production that -- and which the Court  
8 authorized, required a listing of all employees from  
9 December 14<sup>th</sup>, 2012, to the present. What we  
10 understand is that they provided us with a list of  
11 current employees, not a list that covers the  
12 required time period.

13 THE COURT: Okay.

14 ATTY. MATTEI: And so what we're asking for is  
15 an update --

16 THE COURT: Attorney Smith, do you agree or  
17 disagree that that's what was produced?

18 ATTY. SMITH: I think, Your Honor, as far as I  
19 understand, it is not going back entirely to 2012.  
20 We have taken that back to the clients and said we  
21 need the following. And in our written response  
22 here, Attorney Pattis indicates one week. I believe  
23 that might be an error. I think he probably meant  
24 two weeks given that we're trying to get the metadata  
25 and all that within that time period. But whatever  
26 the Court orders --

27 THE COURT: How long -- how long is the list of

1 employees to date?

2 ATTY. SMITH: The --

3 THE COURT: Roughly.

4 ATTY. SMITH: -- the list --

5 THE COURT: Just roughly.

6 ATTY. SMITH: Right. So presently the list is  
7 like 80 of present employees. And so I don't know  
8 exactly how much there would be in that going back to  
9 2012. But we expect that that would be produced in  
10 the course of doing this data dump for all the  
11 metadata.

12 THE COURT: Does that make a difference, a week  
13 or two?

14 ATTY. MATTEI: Well, on this one it does because  
15 we have depositions scheduled for next week.

16 THE COURT: It's got to be done in advance of  
17 the depositions. That's the problem. I mean, as you  
18 can imagine.

19 ATTY. SMITH: I can imagine, Your Honor.

20 THE COURT: So what do you suggest? When is the  
21 deposition that you need it for?

22 ATTY. MATTEI: The first is scheduled for the  
23 15<sup>th</sup>.

24 THE COURT: So that's next -- a week from  
25 tomorrow.

26 ATTY. SMITH: Yes.

27 THE COURT: So I think you've got to do it in a

1 week, at least give them 24 hours beforehand. Okay?

2 ATTY. SMITH: Yes, Your Honor.

3 THE COURT: All right.

4 ATTY. MATTEI: The sixth item I think has been  
5 resolved by Attorney Pattis's response.

6 THE COURT: All right.

7 ATTY. MATTEI: And I think that that's it with  
8 respect to that motion, Your Honor.

9 THE COURT: All right. What do you have next?  
10 Or what do any of the defendants have that needs to  
11 be adjudicated?

12 ATTY. MATTEI: So this is number 5, Your Honor.

13 This has to do with their responses to requests for  
14 production relating to marketing a business  
15 materials. In their response on file with the court,  
16 what they've said is we have no records relating to  
17 marketing specific to the Sandy Hook massacre. The  
18 request for production is much broader than that.  
19 And in their filing today they've clarified that we  
20 have no -- you have all the marketing materials of  
21 any kind that are responsive to this request.

22 I guess what we'd ask is that the request for  
23 production be updated to reflect that, just as you  
24 had them do previously. And the reason that's  
25 important is because we've reviewed the --

26 THE COURT: I agree that it should be updated.

27 I don't think that's burdensome to update it and then



1           there can be no confusion.

2           ATTY. MATTEI: Yeah.

3           ATTY. SMITH: To -- to update as regards to  
4 marketing and the analytics, Your Honor?

5           THE COURT: Right. Because the --

6           ATTY. SMITH: If we have some, yes. As a -- to  
7 this point, we have provided everything. And then I  
8 think that --

9           THE COURT: Right. But I think that you just  
10 need to update the production response to indicate  
11 that.

12          ATTY. MATTEI: That's correct.

13          THE COURT: That's it. That's not burdensome.  
14 Just so there can be no confusion. All right. What  
15 else does the plaintiff have?

16          ATTY. MATTEI: That's it, Your Honor.

17          THE COURT: Okay. What do the defense have? I  
18 did read Attorney Pattis's comments about having  
19 regular status conferences. And listen, I'm happy to  
20 have them never or as often as you need them to keep  
21 you on track. So I defer -- I've deferred to the  
22 group of you every time. I will tell you, every time  
23 you've come here, we have needed to tackle these  
24 issues. So what's the thought now about the next  
25 time we have to reconvene?

26          ATTY. SMITH: I suspect it should be after the  
27 depositions. So I would say maybe two weeks, three

1 weeks, whatever --

2 ATTY. MATTEI: I think that's right, Your Honor.

3 THE COURT: Okay. So I leave it to you. If,  
4 again, if you want to do it in Waterbury where the  
5 case is now pending, look for a Monday or Friday.  
6 Otherwise, a Tuesday, Wednesday, or Thursday here.  
7 And honestly, I don't care where you do it; whatever  
8 works for everyone's schedule is fine with me.

9 All right. Is that it for today?

10 ATTY. MATTEI: Thanks, Judge.

11 ATTY. SMITH: Yes, Your Honor.

12 THE COURT: All right. Good luck.

13

14 \*\*\*\*\*

15 **(END OF TRANSCRIPT)**

16

17

18

19

20

21

22

23

24

25

26

27

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	MAY 7, 2019
.....		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019
.....		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	MAY 7, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7<sup>th</sup> day of May, 2019.

Dated this 17<sup>th</sup> day of May, 2019, in Bridgeport, Connecticut.

  
Colleen Birney  
Court Recording Monitor

# EXHIBIT F

**Redacted Pursuant to  
Protective Order**

# EXHIBIT G



**Redacted Pursuant to  
Protective Order**

# EXHIBIT H

DKT NO: X06-UWY-CV18046436-S : COMPLEX LITIGATION  
ERICA LAFFERTY : JUDICIAL DISTRICT WATERBURY  
v. : AT WATERBURY, CONNECTICUT  
ALEX EMRIC JONES : JUNE 2, 2021

DKT NO: X06-UWY-CV186046437-S

WILLIAM SHERLACH  
V.  
ALEX EMRIC JONES

DKT NO: X06-UWY-CV186046438-S

WILLIAM SHERLACH  
V.  
ALEX EMRIC JONES

STATUS CONFERENCE

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff (s):  
ATTORNEY CHRISTOPHER MATTEI  
ATTORNEY ALINOR STERLING

Representing the Defendant (s):  
ATTORNEY JAY MARSHALL WOLMAN for the defendant Alex Jones

Recorded and Transcribed by:  
Debbie Ellis  
Court Recording Monitor  
400 Grand Street  
Waterbury, CT 06702

1 THE COURT: Good morning everyone. We're on the  
2 record in the Lafferty versus Jones matter. So I'm  
3 going to ask counsel for the plaintiffs first to  
4 identify themselves for the record.

5 ATTY. STERLING: Good morning, your Honor. Alinor  
6 Sterling from Koskoff Koskoff and Bieder for the  
7 plaintiffs. And with me today is my law partner Chris  
8 Mattei.

9 THE COURT: All right. Good morning. And for the  
10 Jones defendant.

11 ATTY. WOLMAN: Good morning, your Honor. This is  
12 Jay Wolman of Randazza Legal Group for Alex Jones, Free  
13 Speech Systems Infowars, Infowars Health and Prison  
14 Planet TV.

15 THE COURT: Thank you.

16 And I know we did hear from counsel for Genesis  
17 and we informed them that they were not required to  
18 participate since the matter today did not involve them  
19 and I think they are not participating.

20 So we are on the record with respect to the RFA  
21 for motion for protective order entry number 348. So I  
22 did read everything. I have the protective order at  
23 348. I have the plaintiffs June 1st --

24 ATTY. WOLMAN: You still with us?

25 THE COURT: I'm still here. The camera is a  
26 little shaky.

27 June 1st objection and then we have June 2nd

1 objection. Attorney Ferraro, maybe you can help me.  
2 Thank you. Attorney Ferraro is the jack of all trades  
3 here. He fixes it all.

4 And then I have the supplemental objection that  
5 was filed today. So my first question is, Attorney  
6 Wolman, have you had an opportunity to review that  
7 supplemental objection?

8 ATTY. WOLMAN: I did review it this morning, your  
9 Honor, and I don't believe that it necessarily means  
10 what the plaintiffs imply it means.

11 THE COURT: Okay. I just want to make sure that  
12 you reviewed it. I guess I want to make sure that I  
13 didn't miss anything. Those are the filings. And I  
14 understand you put it down as an emergency motion.

15 I think I pointed out in the past that when -- and  
16 I expect that on occasion we will have very time  
17 sensitive things and I appreciate the fact that an RFA  
18 was filed, but I think what I had said in the past too  
19 if you really have something that's urgent, you're  
20 worried about missing a deadline or something, to also  
21 e-mail Attorney Ferraro as that e-mail will get right  
22 to him and it'll be even more responsive. Although I  
23 do think he was very responsive with this.

24 So in the future certainly file your RFA but if  
25 you are really looking for a quick ruling, also e-mail  
26 Attorney Ferraro and copy each other on it obviously.  
27 So I understand that you want a ruling on this. You're

1 not looking to file a reply?

2 ATTY. WOLMAN: Correct, your Honor.

3 THE COURT: Okay. I don't really need argument on  
4 it. It was all pretty self-evident. The only thing  
5 that I would ask for argument on is the issue that was  
6 just raised today in the supplemental objection with  
7 respect to the discussions in February and March of  
8 2020 with Attorney LaTronica.

9 ATTY. WOLMAN: Yes.

10 THE COURT: Who I believe is from Attorney Pattis'  
11 office and plaintiffs' counsel. If that's something,  
12 Attorney Wolman, you want to respond to and then I'll  
13 also hear from plaintiffs on that issue as well, if you  
14 want to.

15 ATTY. WOLMAN: Certainly. Your Honor,  
16 Mr. Latronica's e-mails were during the appellate stay  
17 on this case. There was no obligation to do anything  
18 at that point. Certainly, and once this case returned  
19 from the courts of appeals, the Supreme Court of  
20 Connecticut. The case still as we dealt with the Midas  
21 and Sklanka anti-SLAPP motions precluded discovery from  
22 our clients and although your Honor did not reach that  
23 issue, that was the position, certainly that had been  
24 taken. And we also had a large period between  
25 certainly mid-November and early April when this case  
26 was again in federal court. But during that entire  
27 time we had taken the position that if the supreme



1 court sustained the anti-SLAPP dismissal termination by  
2 your Honor, that the discovery request attended to it  
3 died with it.

4 And Mr. LaTronica's e-mails do not countermand  
5 that or contradict that in any way but rather, in fact,  
6 seem almost hopeful that should there be prevailing,  
7 and your Honor's order reversed, then of course we'd be  
8 back in the discovery phase of this case regarding the  
9 anti-SLAPP motion. So, in that contexts his e-mails  
10 make perfect sense.

11 And so, while your Honor, on May 14th did rule  
12 that, allow the motion to re-compel compliance and  
13 overrule our argument, this was certainly an issue of  
14 first impression and our belief that this was not a  
15 requirement that those discovery requests were not  
16 outstanding was a reasonable one. And Mr. LaTronica's  
17 e-mails, which were not raised I should note, in  
18 response to the motion to re-compel were not raised at  
19 that time, should not otherwise affect how the court  
20 views this.

21 I should also, because the court asked the parties  
22 to essentially meet and confer yesterday, we did do so.  
23 And I'd like to certainly report on some of that if I  
24 may.

25 THE COURT: Please.

26 ATTY. WOLMAN: We proposed removing certain terms  
27 which had the largest hit that would potentially, you

1 know, be the most irrelevant as well; sales, marketing  
2 and traffic. The plaintiffs were not willing to do  
3 that. They did ask if we could be able to sort, for  
4 example, by custodian of records to maybe figure that  
5 out. We are unable to sort by e-mail box. We can sort  
6 by senders of e-mails and the largest person in that  
7 respect would be somewhere in the order of 7,500. I  
8 don't think that that really gets us anywhere in terms  
9 of narrowing.

10 And on the issue of the Goggle analytics, you  
11 know, we finally got a better sense that what they're  
12 asking for is to export the entire Google analytics  
13 account.

14 And so I have spoken with IT folks and I can  
15 report that that is not a feature that Google analytics  
16 has, unless you are a premium member. And my  
17 understanding is that to become a premium member of  
18 Google analytics, one must pay at least \$150,000. If  
19 the plaintiffs would like to pay \$150,000 for that  
20 membership, and I don't know that that's to be baseline  
21 costs, we can entertain that.

22 However, I should note that in terms of the cost  
23 benefit relationship of this case as we noted in our  
24 motion, we're talking when you look at the amount of  
25 sales overall, Sandy Hook did not represent 3 percent  
26 of sales. It did not represent three-tenths of a  
27 percent --

1 THE COURT: I don't want to interrupt you,  
2 Attorney Wolman, but I wasn't going to have argument on  
3 the entire motion since there's no argument of right  
4 and I just wanted to get your thoughts on what was just  
5 filed today with respect to Attorney LaTronica's  
6 continued discovery objections. But as I understand  
7 your position he was, during the stay, while the case  
8 was on appeal with the Connecticut Supreme Court, he  
9 was continuing those discovery objections, although  
10 there was a stay in the hopes that he won.

11 ATTY. WOLMAN: In the event of a win, then we  
12 would have been back in the anti-SLAPP discovery phase.

13 THE COURT: Okay.

14 ATTY. WOLMAN: Certainly it's appropriate for him  
15 and our client to consider what do we need to do to  
16 then comply with your Honor's orders.

17 THE COURT: Okay. Thank you.

18 Who's arguing for the plaintiffs?

19 ATTY. STERLING: Your Honor, I am.

20 THE COURT: Whenever you're ready.

21 ATTY. STERLING: It's Alinor Sterling for the  
22 record.

23 THE COURT: If you want to just narrow your  
24 comments to what Attorney Wolman raised. Okay. So he  
25 also talked about the Google analytics and the search  
26 and --

27 ATTY. STERLING: Yes, your Honor.

1 THE COURT: -- other things. I didn't expect to go  
2 that far but certainly.

3 ATTY. STERLING: Yes. So, your Honor, I don't  
4 think that Attorney Wolman's reading of Attorney  
5 LaTronica's correspondence with us is a fair read. At  
6 that time the only discovery, in effect, was the  
7 plaintiffs' first set of interrogatories and request  
8 for production.

9 And Attorney LaTronica is indicating that the  
10 Jones defendants understand they have an obligation to  
11 respond to those. It does not indicate that that  
12 obligation to respond is contingent on the Supreme  
13 Court's Ruling. He simply indicates that they  
14 understand they need an ESI consultant and that they  
15 need to review discovery in files so that they can get  
16 their discovery responses in order.

17 So what your Honor has been presented with is a  
18 sort of excuse for not following the court's orders  
19 which is that the defendants claim they had interpreted  
20 the termination of the anti-SLAPP motion to have  
21 necessarily terminated the limited discovery served in  
22 connection with that motion. And I'm quoting their  
23 filing.

24 Attorney LaTronica's correspondence with us is  
25 simply not consistent with that understanding. And so  
26 what I am suggesting the court do is not credit that  
27 representation which is a representation concerning the

1 Jones defendants' subjective state of mind. And really  
2 is presenting an excuse for non-compliance, you know,  
3 similarly with regard to the claim that this is a  
4 question of first impression.

5 If it's a question of first impression, then and  
6 it involves violation of a court order, then the  
7 recourse that the Jones defendants had was to make a  
8 motion to the court for clarification on what they  
9 viewed as a question of first impression.

10 So I'm not going to go further then that, because  
11 the court has asked me to limit my remarks in that  
12 regard. But from where we stand, these continued  
13 excuses look very similar to the excuses that were made  
14 in 2019.

15 With regard to the meet and confer yesterday, so  
16 it appears that although they understood in 2020 that  
17 they needed an ESI consultant, the Jones defendants  
18 still don't have one. And this came out in a couple  
19 different ways. Number one, counsel was indicating or  
20 at least indicated yesterday that he did not understand  
21 how to produce the Google analytics data.

22 We have worked with various ESI consultants, data  
23 acquisition protocols are available. That can be  
24 accomplished, you know, the continued inability to  
25 produce that information appears from our perspective  
26 to be will. And I would add to that, your Honor, we  
27 believe, although we don't know because it's not

1 identified that what was submitted as Exhibit C to the  
2 defendants' motion for protective order, which is a  
3 printout based on which Attorney Wolman was arguing, is  
4 a Google analytics printout.

5 What that demonstrates, it's never been produced  
6 to us before. What it demonstrates is that his client  
7 has the ability to manipulate the data. If he's  
8 indicating that he's completely incapable of finding an  
9 ESI consultant and working with a protocol, then maybe  
10 we need to return to the idea of giving us a login to  
11 the account. I know the court didn't want to do that  
12 but that would be one way to access the data. The  
13 other would be for them to work with an ESI consultant  
14 on a limited basis and come up with a protocol.

15 You know, we were unable to substantively discuss  
16 this yesterday because Attorney Wolman didn't have a  
17 protocol to provide us with. And by a protocol, I mean  
18 a production protocol which is the kind of thing that's  
19 used when this kind of information is produced. The  
20 lack of an ESI consultant also comes up as a problem,  
21 again, when we inquired whether the 300,000 e-mails  
22 that Attorney Wolman is referencing were duplicative of  
23 anything that's already been produced. That came up in  
24 the contexts of considering whether the burden to  
25 review might be significantly less because these  
26 e-mails may have already been produced.

27 Attorney Wolman was unable to tell us whether any



1 of these 300,000 e-mails have been produced. He just  
2 couldn't tell us. You know, there are other ways to  
3 deal with the claim of burden based on privilege. You  
4 know, one way to alleviate a concern about privilege is  
5 simply to sort documents for, you know, attorney's  
6 e-mail addresses. That could reduce the burden claimed  
7 based on privilege substantially.

8 But again, there was not a proposal presented to  
9 us yesterday for a streamlined approach to handling  
10 this that we could consider. And after two years of  
11 waiting for these documents to be produced, we are at a  
12 loss as to how to respond. So I'll suspend my comments  
13 there unless the court has questions.

14 ATTY. WOLMAN: Your Honor --

15 THE COURT: I do not.

16 ATTY. WOLMAN: -- may I respond because I believe  
17 Attorney Sterling misrepresented what the conference  
18 was yesterday.

19 THE COURT: Attorney Wolman. Attorney Wolman, can  
20 you wait.

21 ATTY. WOLMAN: Yes, your Honor.

22 THE COURT: Okay. Thank you. I was actually  
23 going to tell you that I'll give you an opportunity to  
24 respond to Attorney Sterling's arguments but I first  
25 would like you to explain to me, if you can, what  
26 Exhibit C is.

27 ATTY. WOLMAN: Yes, your Honor.

1 THE COURT: Please.

2 ATTY. WOLMAN: Thank you.

3 Only recently did we have our clients run through  
4 Google analytics what basically if you do a search on  
5 Sandy Hook to find out how many sales are from referral  
6 articles. So if there's an article that uses the term  
7 Sandy Hook in it and somebody then goes to the store  
8 having read that article and then purchases a product,  
9 that would be captured as related as a sale that was  
10 generated from that. That is only a piece of data that  
11 was generated specifically for the purpose of this  
12 litigation and was not something that my clients  
13 generally had around.

14 I had asked, can we get this kind of data to find  
15 out and then learn as a result, yes, it is three  
16 thousands of a percent of all sales are attributable to  
17 Sandy Hook as opposed to, for example --

18 THE COURT: No. No. Attorney Wolman, so that is  
19 your explanation to the court as to what Exhibit C is?  
20 I just want to make sure I'm understanding it.

21 ATTY. WOLMAN: Yes, your Honor.

22 THE COURT: Okay. And then my next question  
23 before I will then give you an opportunity to respond  
24 to Attorney Sterling's argument is, given the  
25 discussions during the stay that Attorney LaTronica had  
26 with plaintiffs' counsel and given your statement that  
27 this was an issue of first impression, I'm just

1 wondering why the Jones defendants would wait almost  
2 six months to even object to the plaintiffs' November  
3 12th motion asking for the compliance.

4 ATTY. WOLMAN: Certainly, your Honor. That's --  
5 Attorney Sterling says that it was our obligation to  
6 raise it as a motion with the court, well, not  
7 necessarily on an issue of first impression. Somebody  
8 is going to raise it either as -- they're saying that  
9 it's still due and we're saying it's not. They move to  
10 re-compel, we object.

11 You know, we had met and conferred back in  
12 November. We addressed this back in November. The  
13 reason why it then took afterwards is, later is because  
14 we had removed it to federal court depriving this court  
15 of jurisdiction, necessarily terminating that even if  
16 they were live discovery requests before this court,  
17 they certainly would not have been live discovery  
18 requests in the federal court where the April 26th  
19 conference had not yet occurred under federal rules of  
20 civil procedure. So certainly they would have been  
21 improper during that time.

22 Then once this case returned to this court, your  
23 Honor sent a briefing schedule and we filed a timely  
24 opposition.

25 THE COURT: I'm just trying to figure out if there  
26 was a concern that potentially, right, you had this  
27 discovery compliance that the clock was ticking on, I

1 agree, not when it was in federal court but at least  
2 when it was remanded back, I'm just wondering if there  
3 was a concern that deadlines had been missed and that  
4 you might be overdue with the answers and that you  
5 would want direction on that if you were concerned that  
6 you had discovery obligations that were overdue.

7 ATTY. WOLMAN: Well, parties typically, your  
8 Honor, do not expend resources when there is not a live  
9 discovery issue. So once your Honor issued the order  
10 that stated that as a matter of first impression, that,  
11 yes, we still had to comply with discovery that was  
12 limited to anti-SLAPP motion that it terminated  
13 anti-SLAPP motion but that we still necessarily had to  
14 continue to produce.

15 We then, went, we are using a discovery vendor,  
16 that's a misrepresentation. Exporting Google analytics  
17 is not something that is common, your Honor. And it's  
18 a misrepresentation to say that we don't have the  
19 information because you know what, I asked for was  
20 saying how do you want it produced? How? I asked  
21 point blank. And she couldn't say how. She said, oh,  
22 it's my job to figure it out. No it's not. If you're  
23 asking for something, tell me what you're asking for.  
24 And then we can follow the instructions. I do this all  
25 the time, your Honor. Whenever I ask someone to export  
26 their Facebook data, I give them step by step  
27 instructions as to how to do that to comply, so that

1           there's never a question that I'm not getting what I'm  
2           asking for. So, you know --

3           THE COURT: Can you give me one moment, please,  
4           and I'll let you continue.

5           Thank you. On that point, I was just referencing  
6           the Practice Book because I thought there were Practice  
7           Book provisions that dealt with that issue that you  
8           just raised about how, in what form and such, but in  
9           any event, go ahead. Continue.

10          ATTY. WOLMAN: Thank you, your Honor.

11          And so we asked for that information as to how  
12          they wanted it and she would not provide it saying you  
13          figure it out. Throwing her hands up. So, you know,  
14          I've asked our IT people and they said that there is an  
15          export method and that you have to be a premier member.  
16          And it would cost at least \$150,000 to do so.

17          As to the inability to deduplicate based on what  
18          Attorney Pattis had produced, we have at this time we  
19          have an electronic discovery vendor. At the time  
20          Attorney Pattis was doing it, one was not being used.  
21          So to be able to integrate what he produced into that  
22          and figure out and deduplicate that is not something  
23          that we are currently able to do because it's not from  
24          the same time.

25          Similarly we cannot simply eliminate and sort for  
26          things with attorney's names or domain names on it  
27          because it appears often in messages where somebody

1 will forward an e-mail containing privileged matter or  
2 reply or something to an e-mail that has privileged  
3 information on it. Each individual e-mail does  
4 necessarily have to be reviewed and has to be reviewed  
5 for relevance as well.

6 And I should also note that I disagree with the  
7 reading of Mr. LaTronica's e-mails because they also  
8 contemplate that of course there would be discovery in  
9 this case afterwards. If your Honor's orders sustained  
10 they've served two more sets of discovery, of course  
11 there would have to be discovery afterwards.

12 THE COURT: So Attorney Wolman, getting back to  
13 the format, did the and I don't have it in front of me,  
14 did the request for production specify the form for  
15 producing the electronically stored information?

16 ATTY. WOLMAN: No. All they're asking for now is  
17 our Google analytics data. So they're asking for  
18 expert --

19 THE COURT: -- the point that you raised. When I  
20 look at 13-9e, right 13-9 subsection e, if information  
21 has been electronically stored and if a request for  
22 production does not specify a form for producing a type  
23 of electronically stored information, the responding  
24 party, right, the Jones defendants, shall produce the  
25 information in a form in which it is ordinarily  
26 maintained or a form that is reasonably usable. A  
27 party need not produce the same electronically stored

1 information in more than one form.

2 So I know you were saying you asked in what form  
3 and you didn't get an answer but doesn't the Practice  
4 Book control on that?

5 ATTY. WOLMAN: If it's kept in a form not by us.  
6 It's not under our control.

7 THE COURT: The Practice Book doesn't --

8 ATTY. WOLMAN: We do not ordinarily maintain it in  
9 a form.

10 THE COURT: Attorney Wolman, the Practice Book  
11 controls here since it wasn't -- it doesn't matter.  
12 You're the producing party and that's what that  
13 Practice Book section refers to. So I would just, you  
14 should probably just take a look at that if there are  
15 any further issues. Okay.

16 ATTY. WOLMAN: It will cost, my understanding is  
17 150,000 and the cost should be borne by them.

18 THE COURT: Okay. All right. Anything else, sir?

19 ATTY. WOLMAN: Just that the amount of labor  
20 otherwise required is not proportionate to the needs of  
21 this case and I want to highlight that again. Three  
22 thousands of a percent barely scratches the surface of  
23 any justification for the whole theory of the case, is  
24 that our clients are somehow motivated to do Sandy Hook  
25 stories to get money. Seems like this is a loser of a  
26 story in terms of moneymaking. It doesn't make money.  
27 There's no evidence of that. We now have this data and



1 so the court should look at it from a cost benefit  
2 analysis that all this labor, if it's going to take me  
3 if I have to do, you know, April to review 1,000  
4 e-mails a day because I've got other cases and I'm the  
5 only attorney here admitted in Connecticut, then that's  
6 going to take me 300 work days.

7 THE COURT: Okay. So I will rule on it in writing  
8 probably within the hour. Okay. Anything else that we  
9 need to deal with today that doesn't involve the other  
10 defendant, I don't want to have any discussions that  
11 will impact him since he's not here? We are all on the  
12 same page as to what other filings, the deadlines are  
13 for the other filings?

14 ATTY. STERLING: We are, your Honor. This is  
15 Attorney Sterling for the record. I have one issue.  
16 We will be filing a motion to amend the protective  
17 order shortly. We'd like to add an attorneys' eyes  
18 only designation. When we do file that, your Honor, I  
19 think it would be important to set a briefing schedule  
20 because we'd like to have that ruling in place before  
21 our clients are deposed or we respond with written  
22 production. So I just wanted to flag that to the court  
23 and inquire whether we should e-mail Attorney Ferraro  
24 when we file it or file an RFA.

25 THE COURT: Can I suggest that you talk to  
26 Attorney Wolman first because you definitely don't have  
27 any problems agreeing on briefing schedules as far as I

1 can see. So why don't you have that discussion off the  
2 record with Attorney -- and also Attorney --

3 ATTY. WOLMAN: Cerame.

4 THE COURT: Thank you. Since he would be involved  
5 in that protective order as well. So have the  
6 discussion with all counsel in the case and see if you  
7 can come to an agreement. You'll file such and such a  
8 motion on this date, the objection on this date, the  
9 reply on this date or however you're going to proceed  
10 and then you can either jointly e-mail Attorney Ferraro  
11 or you can file something with the court laying out the  
12 deadlines.

13 ATTY. WOLMAN: Your Honor, if I may respond  
14 briefly. I'm not necessarily adverse to an AEO  
15 designation. In fact, this was part of what we  
16 originally sought back in February 2019 and was  
17 objected to.

18 THE COURT: Right. The only --

19 ATTY. WOLMAN: One second. May I --

20 THE COURT: No. Attorney Wolman, Attorney Wolman  
21 here's the problem.

22 ATTY. WOLMAN: It goes to this issue.

23 THE COURT: No. No. No. Attorney Wolman, I didn't  
24 require Attorney Cerame to participate today and we're  
25 now touching upon issues that would affect him and I'm  
26 very uncomfortable doing that. So just the general  
27 concept of reaching out to him with a briefing schedule

1 but I don't want to get into the nuts and bolts of  
2 attorneys' eyes only because it would affect him in  
3 discovery and I just really am uncomfortable doing that  
4 today. So I'm going to stop you there and have you  
5 reach out jointly and hopefully you can all get on the  
6 same page as to a briefing schedule.

7 ATTY. WOLMAN: Your Honor, it affects the order  
8 you're about to issue, though because if there's going  
9 to be an attorneys' eyes only provision, we should be  
10 entitled to invoke it as well and we'll need to be able  
11 to review and mark for that as well.

12 THE COURT: Okay. So I suggest then when we get  
13 off the record here, you immediately -- we'll go off  
14 the record. You sure can stay on and if you want to  
15 try to invite Attorney Cerame to join you right now and  
16 you can get a briefing schedule and if you make it  
17 expedited enough, you'll get a ruling on the attorneys'  
18 eyes only issue in time to satisfy you I'm sure. Okay.  
19 Unless anybody has anything else, we're going to go off  
20 the record. I'm going to exit. Attorney Ferraro will  
21 exit but you can have at least your discussions if you  
22 want since I won't be involved in that and if you want  
23 to invite the other attorney to participate and then  
24 you can get something filed right away, Attorney  
25 Wolman.

26 ATTY. WOLMAN: I understand. But the order, your  
27 Honor's about to issue, if there's going to be

attorneys' eyes only, we will need time to as part of  
this 300,000 e-mail document review to be able to  
designate those as well as to the extent some are AEO  
appropriately.

THE COURT: Okay. All right. So I am going to go  
off the record. Thank you, counsel. Stay well.

ATTY. WOLMAN: Thank you, your Honor.

ATTY. STERLING: Thank you, your Honor.

\* \* \* \* \*

DKT NO: X06-UWY-CV18046436-S : COMPLEX LITIGATION  
ERICA LAFFERTY : JUDICIAL DISTRICT WATERBURY  
V. : AT WATERBURY, CONNECTICUT  
ALEX EMRIC JONES : JUNE 2, 2021

DKT NO: X06-UWY-CV186046437-S

WILLIAM SHERLACH  
V.  
ALEX EMRIC JONES

DKT NO: X06-UWY-CV186046438-S

WILLIAM SHERLACH  
V.  
ALEX EMRIC JONES

E L E C T R O N I C  
C E R T I F I C A T I O N

I hereby certify the electronic version is a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, G.A. 4 of Waterbury, Connecticut before the Honorable Barbara N. Bellis, Judge, on June 2, 2021.

Dated this 3rd day of June, 2021 in Waterbury, Connecticut.



Debbie A. Ellis  
Court Recording Monitor

# EXHIBIT I

**NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT**  
**ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET**  
**V. : AT WATERBURY**  
**ALEX EMRIC JONES, ET AL. : AUGUST <sup>23</sup>, 2021**

---

**NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT**  
**WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET**  
**V. : AT WATERBURY**  
**ALEX EMRIC JONES, ET AL. : AUGUST <sup>23</sup>, 2021**

---

**NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT**  
**WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET**  
**V. : AT WATERBURY**  
**ALEX EMRIC JONES, ET AL. : AUGUST <sup>23</sup>, 2021**

---

**AFFIDAVIT OF JORDAN CAMPBELL**

I, JORDAN CAMPBELL, declare as follows:

1. I am over eighteen and believe in the obligation of an oath.
2. I make this affidavit after consideration of the Notice of Compliance dated June 28, 2021 filed by Alex Jones and Free Speech Systems, LLC, and the correspondence between Attorneys Christopher Mattei and Jay Wolman on June 24 and 25, 2021.
3. I am the owner and operator of Good Soup Media, an online marketing agency, in London, Ontario, Canada.
4. I am an expert in the use of Google Analytics and have worked extensively with



the program for 3+ years. I have spent upwards of \$20,000 on online courses and education materials in order to increase my knowledge and expertise in my field. I have been working alongside my clients in their website development, monitoring and advertising efforts including, but not limited to the use of Google Ads, LinkedIn Advertising, Google Analytics, Website Design and Website Maintenance.

5. In connection with the preparation of this affidavit, I have reviewed what I understand to be the production of the Google Analytics summary reports produced to date by Defendant Free Speech Systems, LLC in this litigation, which include one recently produced 5-page document consisting of screenshots of some Google Analytics information (Exhibit A) and one 35-page set of scanned images of more Google Analytics information (Exhibit B). I have also reviewed the Jones defendants' Emergency Motion for Protective Order, to which the 5 pages of Google Analytics screen shots were attached. I have also reviewed the Notice of Compliance concerning the production of Google Analytics data and correspondence between Jay Wolman and Christopher Mattei dated June 24 and 25, 2021 (Exhibits C and D, respectively).

#### **What Google Analytics Does**

6. Google Analytics is a web analytics service offered by Google that is specifically built to collect, track, and report on website traffic and visitor information. Google Analytics collects and stores website visitor data. Some well-known examples of data that Google Analytics collects are: Users (number of website visitors), Sessions (number of times the website has been accessed), Average Time Spent on Site, Bounce Rate (percentage of users who leave after one page visit without interacting), Pages/Session (number of pages a user visits before leaving the site) etc.

7. Google Analytics also has an ecommerce tracking function. “Ecommerce tracking is a feature of Google Analytics that tracks shopping activity on your website.” <https://www.hotjar.com/google-analytics/glossary/ecommerce-tracking/>. The sales and payments data collected using the ecommerce function can be used in reports or exported like other Google Analytics data. It appears from the information shown on Exhibit A, in the Revenue column, that a user of the Infowars.com site set up ecommerce tracking within their Google Analytics account, so that ecommerce data is being collected as well.

#### **How to Export Data Collected by Google Analytics**

8. Google Analytics data may be exported using the application’s built-in function to export data. This export function allows the user to export the Google Analytics data in 4 different formats: PDF, Google Sheets, XLSX and CSV. Exporting in those formats keeps the data organized and allows it to be manipulated by the recipient, as the original user could do. Clicking the EXPORT button enables direct export of the selected data in a format, *e.g.*, as an Excel spreadsheet, suitable for analysis. Data so exported will be the actual data with 100% accuracy. In order to use the export function, the account user uses the report function to define the data to be exported and clicks the EXPORT button located at the top of the page.

9. Like all Google Analytics users, the users of the Infowars.com Google Analytics account have access to the Export function. The EXPORT button is clearly visible on Exhibit A, as shown through the highlight below:

All accounts > InfoWars Shop

All Web Site Data  Loading...

Referral Traffic SAVE EXPORT SHARE EDIT INSIGHTS

ALL + SOURCE: infoWars.com

All Users 0.00% Users + Add Segment

Explorer

Summary Site Usage Ecommerce

Users Day Week Month

Primary Dimension: Referral Path Other

Secondary dimension Sort Type: Default

sandy-hook Q advanced

Referral Path	Acquisition			Behavior			Conversions		
	Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
	0	395	537	58.47%	2.80	00:02:51	0.00%	0	\$0.00
	% of Total: 0.00%	% of Total: 0.00%	% of Total: 0.00%	Avg for View: 58.47%	Avg for View: 2.80	Avg for View: 00:02:51	Avg for View: 0.00%	% of Total: 0.00%	% of Total: 0.00%
1. /boston-mayor-vice-president-guaranteed-gun-control-reform-before-sandy-hook-shooting/	0	1	2	50.00%	1.50	00:00:07	0.00%	0	\$0.00
2. /christie-vetoes-gun-control-bill-angers-sandy-hook-parents/	0	1	4	50.00%	3.00	00:02:16	0.00%	0	\$0.00
3. /confirmed-section-of-gotham-renamed-sandy-hook-in-latest-dark-knight-release/	0	5	7	85.71%	2.57	00:00:39	0.00%	0	\$0.00
4. /connecticut-town-to-burn-violent-video-games-as-sandy-hook-returns-to-school/	0	0	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
5. /connecticut-tries-to-hide-sandy-hook-truth/	0	98	136	65.44%	2.18	00:02:10	0.00%	0	\$0.00
6. /dark-knight-rises-shows-sandy-hook-written-on-map/	0	2	2	0.00%	8.50	00:13:11	0.00%	0	\$0.00
7. /exposed-sandy-hook-shooters-biggest-threat-still-lives/	0	6	8	37.50%	5.38	00:03:22	0.00%	0	\$0.00
8. /father-of-sandy-hook-victim-asks-read-the-card-seconds-before-tear-jerking-press-conference/	0	2	3	100.00%	1.00	00:00:00	0.00%	0	\$0.00
9. /fbi-releases-heavily-redacted-sandy-hook-records/	0	39	56	46.43%	3.41	00:05:19	0.00%	0	\$0.00
10. /full-police-investigation-into-sandy-hook-shooting-released/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
11. /glenn-back-to-devote-whole-show-to-debunking-conspiracy-theories-about-sandy-hook/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
12. /mayan-calendar-sandy-hook-peace-prize-obama-your-entire-reality-has-been-scripted-by-the-manipulation-masters/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
13. /msnbc-edits-portrays-gun-owners-as-heckling-father-of-sandy-hook-victim/	0	1	1	0.00%	2.00	00:00:11	0.00%	0	\$0.00
14. /newtown-con-voters-accept-50-million-to-demolish-rebuild-sandy-hook-school/	0	1	1	0.00%	4.00	00:01:08	0.00%	0	\$0.00
15. /piers-morgan-admits-he-is-standing-on-the-graves-of-sandy-hook-victims/	0	1	1	100.00%	1.00	00:00:00	0.00%	0	\$0.00
16. /revealed-sandy-hook-truth-exposed/	0	10	15	53.33%	3.33	00:02:38	0.00%	0	\$0.00
17. /school-shooting-expert-threatened-over-sandy-hook-investigation/	0	218	290	57.59%	2.89	00:02:47	0.00%	0	\$0.00
18. /state-of-connecticut-crafts-special-act-to-hide-sandy-hook-evidence/	0	2	2	50.00%	5.00	00:05:59	0.00%	0	\$0.00
19. /video-were-crisis-actors-used-in-sandy-hook-massacre/	0	1	1	0.00%	6.00	00:04:51	0.00%	0	\$0.00
20. /why-people-think-sandy-hook-is-a-hoax/	0	4	4	75.00%	1.75	00:00:43	0.00%	0	\$0.00

Show rows: 50 Go to: 1 - 20 of 20 Refresh Report

This report was generated on 3/25/21 at 12:29:22 PM.

10. It is my understanding that the Jones defendants have been ordered to produce the data from the relevant Google Analytics accounts for multiple years. While that is a substantial amount of data, by using the free export function described above, a user of the relevant account could easily export complete, accurate and readily useable data as Excel (xlsx) files. In preparation to make this affidavit I considered and tested the export mechanism, and it is simple to use and functions correctly. I believe exporting the data would take a computer literate user following a simple protocol under a week to complete the exports and possibly would require even less time. (By a computer literate user, I mean someone with simple data entry skills.) The development of

an appropriate export approach took me approximately 30 minutes. Following a step-by-step protocol, which could be provided, would be a simple process.

11. The Jones Defendants state in the Notice of Compliance that “Free Speech Systems understands that, to export the dataset, one must be a Google Analytics 360 user. See <https://marketingplatform.google.com/about/analytics/compare/> (noting that “access to raw data” is checked off only for Analytics 360, the non-free solution).” As described above, it is not true that “to export the dataset, one must be a Google Analytics 360 user.” There are multiple ways to export the dataset, one of which I have described above.

### **The Google Analytics Information that Has Been Produced**

12. The Google Analytics information that has been produced in this case has not been produced either in the format in which Google Analytics information is usually stored or in another comparably usable format. Exhibit A appears to be screenshots of what appears to be a Google Analytics report. Exhibit B appears to be image copies of PDF reports. These formats deprive the recipient of the ability to access and manipulate the underlying data directly.

13. The Google Analytics information that has been produced through Exhibits A and B also contain only a tiny fraction of the Google Analytics data that the application collects. For example, the information on Exhibits A and B is not organized day by day, but rather, the information is presented in yearly increments (and in some cases random time intervals). Daily data is available, and provides a far more complete dataset which, if produced in a format, such as Excel files, would be immediately suitable for and ready for analysis. These exhibits also do not provide any data related to Demographics (Age and Gender of website visitors), Location (where in the world the users accessed the website from), Ad Campaign Performance (including keywords used in campaigns and searches used to find the site), Source of the Traffic (where visitors were

before arriving on the Jones Defendants' website), User Interests, Browser and Operating System Information, or Custom Variables (metrics created by the Jones Defendants to track website specific performance). The reports provide very limited information on Individual Page Performance, Language, New vs. Returning Users, and Ecommerce information (sales performance, time to purchase, etc.).

14. Exhibit A, unlike Exhibit B, contains some revenue data. Revenue data is available through Google Analytics' ecommerce function. In order for the ecommerce function to work, the user must set up ecommerce tracking. Google Analytics instructs:

To see Ecommerce data in your Analytics reports, you need to:  
Enable Ecommerce for each view in which you want to see data.  
Add code to your site to collect the ecommerce data and send it to Analytics. To complete this task, you need to be comfortable editing HTML and coding in JavaScript, or have help from an experienced web developer.

<https://support.google.com/analytics/answer/1009612?hl=en#zippy=%2Cin-this-article>. A user with the technical capability to set up ecommerce tracking would certainly have the technical capability to understand that there are multiple means to export Google Analytics data.


15. The Jones defendants state in their Emergency Motion for Protective Order that "In fact, Defendants' records show that, at most, they made \$342.55 in sales from article and video page referrals that contained the term "Sandy Hook" out of a total of \$10.6 million in overall sales generated from site traffic." In support of this statement, they reference the information that is attached to my affidavit as Exhibit A. (This same information was attached as Exhibit C in support of their Emergency Motion for Protective Order.) For the Google Analytics application to capture e-commerce data – that is, revenue information – for the time period shown on Exhibit A (Dec. 14, 2012 to March 29, 2021), the e-commerce function would have had to be enabled on or before December 14, 2012. If the e-commerce function was enabled throughout that entire period, then there is very significant additional

revenue data available that has not been provided to the plaintiffs. If the e-commerce function was not enabled as of December 14, 2012, then Google Analytics data cannot establish revenue for the entire period, and the claim that revenue is \$342.55 is not supported by Exhibit A.

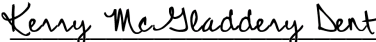
16. Based on the description provided in their correspondence of June 24 and 25, 2021 (Exhibits C and D), the Jones defendants' proposed "sandbox approach" suffers from multiple technical defects. First, it offers the plaintiffs only limited-time access to the data. Second, through mirroring or other methods, it would allow the Jones defendants to observe, surveil, and/or record all the plaintiffs' actions within the Google Analytics account, including any searches or other analysis that the plaintiffs or their experts might perform on the data while they had access to it. Under this arrangement, plaintiffs or their experts would be unable to assure or verify that the Jones defendants did not do so. Having access to this information could give the Jones defendants key insight into plaintiffs' counsel's mental impressions, conclusions, opinions, or legal theories.

17. I attach a copy of my curriculum vitae as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DocuSigned by:  
  
JORDAN CAMPBELL

Subscribed and sworn to before me this 23 day of August, 2021.

DocuSigned by:  
  
Kerry McGladdery Dent  
Notary Public

My commission expires: N/A LSO# 59685G

This affidavit was sworn by the affiant present in the City of London, in the County of Middlesex, in the Province of Ontario, via videoconferencing technology, before me, a Commissioner of Oaths, present in the City of London, in the County of Middlesex, in the Province of Ontario, pursuant to O. Reg. 431/20: Administering Oath Or Declaration Remotely.

This is Exhibit “**A**” referred to in the  
Affidavit of Jordan Campbell sworn before me,  
this 23<sup>rd</sup> day of August, 2021.

DocuSigned by:

*Kerry McGladdery Dent*

A COMMISSIONER FOR TAKING AFFIDAVITS



ALL > SOURCE: infowars.com

All Users  
0.00% Users

+ Add Segment

Explorer

Summary Site Usage Ecommerce

Users

Referral Traffic

Dec 14, 2012 - Mar 29, 2021

Primary Dimension: Referral Path Sort Type: Default

Secondary dimension

Users

Sessions

Bounce Rate

Pages / Session

Avg. Session Duration

Goal Conversion Rate

Goal Completions

Goal Value

0	537	58.47%	2.80	00:02:51	0.00%	0	\$0.00
% of Total: 0.00% (0)	% of Total: 0.03% (2,097,905)	Avg for View: 48.61% (20.30%)	Avg for View: 3.62 (-22.58%)	Avg for View: 00:03:28 (-18.00%)	Avg for View: 0.00% (0.00%)	% of Total: 0.00% (0)	% of Total: 0.00% (\$0.00)
0 (0.00%)	2 (0.37%)	50.00%	1.50	00:00:07	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	4 (0.74%)	50.00%	3.00	00:02:16	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	7 (1.30%)	85.71%	2.57	00:00:39	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	136 (25.33%)	65.44%	2.18	00:02:10	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	2 (0.37%)	0.00%	8.50	00:13:11	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	8 (1.49%)	37.50%	5.38	00:03:22	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	3 (0.56%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	56 (10.43%)	46.43%	3.41	00:05:19	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	0.00%	2.00	00:00:11	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	0.00%	4.00	00:01:08	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	100.00%	1.00	00:00:00	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	15 (2.79%)	53.33%	3.33	00:02:38	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	290 (54.00%)	57.59%	2.89	00:02:47	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	2 (0.37%)	50.00%	5.00	00:05:59	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	1 (0.19%)	0.00%	6.00	00:04:51	0.00%	0 (0.00%)	\$0.00 (0.00%)
0 (0.00%)	4 (0.74%)	75.00%	1.75	00:00:43	0.00%	0 (0.00%)	\$0.00 (0.00%)

1. /boston-mayor-vice-president-guaranteed-gun-control-reform-before-sandy-hook-s-hooting/

2. /christie-vetoes-gun-control-bill-angers-sandy-hook-parents/

3. /confirmed-section-of-gotham-renamed-sandy-hook-in-latest-dark-knight-release/

4. /connecticut-town-to-burn-violent-video-games-as-sandy-hook-returns-to-school/

5. /connecticut-tries-to-hide-sandy-hook-truth/

6. /dark-knight-rises-shows-sandy-hook-written-on-map/

7. /exposed-sandy-hook-shooters-biggest-threat-still-lives/

8. /father-of-sandy-hook-victim-asks-read-the-card-seconds-before-tear-jerking-press-conference/

9. /fbi-releases-heavily-redacted-sandy-hook-records/

10. /full-police-investigation-into-sandy-hook-shooting-released/

11. /glenn-beck-to-devote-whole-show-to-debunking-conspiracy-theories-about-sandy-hook/

12. /mexican-calendar-sandy-hook-peace-prize-obama-your-entire-reality-has-been-scripted-by-the-manipulation-masters/

13. /msnbc-edit-portrays-gun-owners-as-hecking-father-of-sandy-hook-victim/

14. /newtown-conn-voters-accept-50-million-to-demolish-rebuild-sandy-hook-school/

15. /piers-morgan-admits-he-is-standing-on-the-graves-of-sandy-hook-victims/

16. /revealed-sandy-hook-truth-exposed/

17. /school-shooting-expert-threatened-over-sandy-hook-investigation/

18. /state-of-connecticut-crafts-special-act-to-hide-sandy-hook-evidence/

19. /video-were-crisis-actors-used-in-sandy-hook-massacre/

20. /why-people-think-sandy-hook-is-a-hoax/

Show rows: 50

Go to: 1

1 - 20 of 20

Refresh Report

All accounts > Infowars Shop

All Web Site Data

Try searching for "acquisition overview"

Loading...

Referral Traffic

ALL \* SOURCE: infowars.com

All Users  
0.00% Users

+ Add Segment

Explorer

Summary Site Usage Ecommerce

Users

Dec 14, 2012 - Mar 29, 2021

SAVE EXPORT SHARE EDIT INSIGHTS

Day Week Month

Primary Dimension: Referral Path

Secondary dimension: Sort Type: Default

advanced

sandy-hook

Acquisition		Behavior		Conversions				
Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration	Goal Conversion Rate	Goal Completions	Goal Value
0 % of Total: 0.00% (0)	395 % of Total: 0.03% (1,401,851)	537 % of Total: 0.03% (2,097,965)	58.47% Avg for View: 48.61% (20.30%)	2.80 Avg for View: 3.62 (-22.58%)	00:02:51 Avg for View: 00:03:28 (-18.00%)	0.00% Avg for View: 0.00% (0.00%)	0 % of Total: 0.00% (0)	\$0.00 % of Total: (\$0.00)



Free Speech Systems, L.L.C. > Informs Share

All Web Site Data

Referral Traffic

ALL > SOURCE: informs.com

All Users13.07% Users

+ Add Segment

Explorer

SummarySite UsageGoal Set 1Goal Set 2Ecommerce

Dec 14, 2012 - Mar 29, 2021

SAVEEXPORTSHAREEDITRESOURCES

DayWeekMonth

advanced

Users

Primary Dimension: Referral Path

Secondary Dimension: Sort Type: Default

Referral Path

Users

New Users

Success

Bounce Rate

Pages / Session

Avg. Session Duration

Conversion Rate

Transactions

Revenue

0

309

520

40.38%

3.82

00:02:06

0.96%

5

\$342.55

1.

1 in 1000 software wins sandy hook appeal request/

0

1

2

50.00%

11.00

00:07:25

0.00%

0

\$0.00

2.

take jones final statement on sandy hook/

0

32

88

43.18%

3.75

00:02:38

2.27%

2

\$33.50

3.

take jones full statement on fridvuser sandy hook lawsuit/

0

9

10

60.00%

2.50

00:00:42

0.00%

0

\$0.00

4.

take jones official statement on riku lane and sandy hook/

0

2

4

50.00%

4.50

00:01:20

0.00%

0

\$0.00

5.

take jones responds to sandy hook anti fire speech lawsuit/

0

7

11

72.73%

3.45

00:01:11

0.00%

0

\$0.00

6.

take jones sandy hook trial could change history/

0

3

3

33.33%

1.33

00:00:27

0.00%

0

\$0.00

7.

confirmed section of govtmm renewed sandy hook is latest dark knight release/

0

1

1

50.00%

1.50

00:00:27

0.00%

0

\$0.00

8.

connecticut tries to hide sandy hook suzn/

0

7

12

41.67%

4.02

00:01:57

0.00%

0

\$0.00

9.

conspiracy theorist arrested after calling sandy hook shooting fake/

0

4

4

25.00%

2.50

00:00:13

0.00%

0

\$0.00

10.

exclusive abc jones responds to sandy hook child porn set up/

0

14

17

64.71%

2.45

00:00:36

0.00%

0

\$0.00

11.

repeated media caught in huge sandy hook trial far/

0

6

5

100.00%

5.20

00:03:23

0.00%

0

\$0.00

12.

take news critic jim acosta claims 1552 miss shootings since sandy hook/

0

1

2

50.00%

4.00

00:00:43

0.00%

0

\$0.00

13.

father of sandy hook victim asks read the card seconds before hear jk king press conference/

0

2

3

33.33%

4.57

00:01:47

0.00%

0

\$0.00

14.

the release hourly redacted sandy hook investigation doc/

0

20

26

57.69%

4.62

00:03:57

3.85%

1

\$150.20

15.

the says no one killed at sandy hook/

0

31

42

54.76%

2.05

00:01:17

0.00%

0

\$0.00

16.

glen back to debate while jones is debanking conspiracy theories about sandy hook/

0

1

1

0.00%

5.00

00:01:26

0.00%

0

\$0.00

17.

hawaii state media about sandy hook children/

0

1

1

0.00%

2.00

00:00:00

0.00%

0

\$0.00

18.

internet censoring viral sandy hook truth documentary/

0

77

109

1.83%

4.05

00:00:40

0.00%

0

\$0.00

19.

judge allows sandy hook families to sue reington firearms over massacre/

0

1

2

0.00%

2.00

00:00:00

0.00%

0

\$0.00

20.

judge who does taken from sandy hook shooter's house must stay silent/

0

1

1

0.00%

2.00

00:00:00

0.00%

0

\$0.00

21.

five abc jones responds to sandy hook vampire/

0

19

47

51.06%

2.08

00:01:57

2.13%

1

\$62.41

22.

five satirical broadcast lawyer breaks down the real sandy hook conspiracy movie/

0

5

16

62.50%

3.81

00:02:19

0.00%

0

\$0.00

23.

major calendar sandy hook justice press obama pose entire reality has been scripted by the manipulation masters/

0

1

1

0.00%

14.00

00:02:57

0.00%

0

\$0.00

24.

image massive cover up tried the agent investigator sandy hook/

0

3

5

60.00%

1.40

00:00:00

0.00%

0

\$0.00

25.

main takes a huge suicide of sandy hook dad to smear abc jones/

0

3

3

66.67%

12.67

00:20:46

0.00%

0

\$0.00

26.

respiratory sandy hook victim dies again in pakistan/

0

3

3

33.33%

2.00

00:00:41

0.00%

0

\$0.00

27.

my times releases bizzare sandy hook 2nd shooter story/

0

2

5

60.00%

2.80

00:00:49

0.00%

0

\$0.00

28.

jordan abc jones jim pool laps out nflwars reveal relationship with sandy hook/

0

4

8

37.50%

13.38

00:00:56

0.00%

0

\$0.00

29.

robust barries makes major announcements to sandy hook lawsuit/

0

3

6

33.33%

3.00

00:00:23

0.00%

0

\$0.00

30.

robust barries makes major announcements to sandy hook lawsuit/

0

1

1

100.00%

11.17

00:09:46

16.67%

1

\$76.44

31.

sandy hook truth book banned by amazon/

0

1

1

0.00%

2.00

00:00:00

0.00%

0

\$0.00

32.

sandy hook case against boudinwater and why the gun debate is already over/

0

1

1

0.00%

1.33

00:00:00

0.00%

0

\$0.00

33.

school shooting suspect threatened over sandy hook investigation/

0

2

3

66.67%

1.00

00:00:00

0.00%

0

\$0.00

34.

the sandy hook secret inside nflwars plan to end free speech/

0

1

2

50.00%

3.00

00:00:28

0.00%

0

\$0.00

35.

admitted false news pay up man fiduciary claims abc jones loses sandy hook defamation case/

0

1

1

100.00%

1.00

00:00:00

0.00%

0

\$0.00

36.

university asks to fire professor for questioning sandy hook/

0

1

1

0.00%

12.00

00:04:29

0.00%

0

\$0.00

37.

video we need to talk about sandy hook/

0

4

4

50.00%

2.00

00:02:33

0.00%

0

\$0.00

38.

what abc jones really believes about sandy hook/

0

35

42

57.14%

3.07

00:02:15

0.00%

0

\$0.00

39.

why people think sandy hook is at fault/

0

3

3

66.67%

1.33

00:00:38

0.00%

0

\$0.00

40.

youtube censoring sandy hook lawsuit/

0

12

12

41.67%

4.68

00:05:42

0.00%

0

\$0.00

Free Speech Systems, L.L.C. > Infoware Store

All Web Site Data

Try searching "Top channels by users"

Loading...

ALL > SOURCE infowars.com

All Users  
12.63% Users

+ Add Segment

Explorer

Summary Site Usage Goal Set 1 Goal Set 2 Ecommerce

Users

Primary Dimension: Referral Path Secondary dimension: Referral Path Sort Type: Default

Dec 14, 2012 - Mar 29, 2021

SAVE EXPORT SHARE EDIT INSIGHT

Day Week Month

sandy-hook advanced

Conversions eCommerce

Acquisition		Behavior		Conversions	
Users	New Users	Sessions	Bounce Rate	Pages / Session	Avg. Session Duration
0 % of Total: 0.00% (11,963)	309 % of Total: 0.00% (14,470,555)	520 % of Total: 0.00% (32,093,657)	40.38% Avg for View: 32.73% (23.40%)	3.82 Avg for View: 5.59 (-36.21%)	00:02:06 Avg for View: 00:03:34 (-41.20%)
				Ecommerce Conversion Rate	Transactions
				0.96% Avg for View: 7.73% (-87.56%)	5 % of Total: 0.00% (2,476,019)
					Revenue
					\$342,233 % of Total: 0.00% (\$263,239,659.64)

This is Exhibit “**B**” referred to in the  
Affidavit of Jordan Campbell sworn before me,  
this 23<sup>rd</sup> day of August, 2021.

DocuSigned by:

*Kerry McGladdery Dent*

~~A~~ COMMISSIONER FOR TAKING AFFIDAVITS



All Users  
100.00% Users

Jan 1, 2012 - Dec 31, 2012

Overview

Users  
1,000,000

500,000



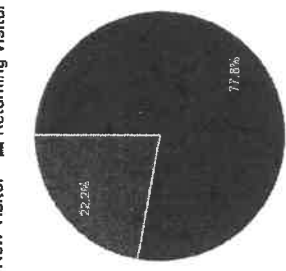
March 2012 May 2012 July 2012 September 2012 November 2012

New Visitor Returning Visitor

Users  
40,152,262

New Users  
38,413,391

Sessions  
119,107,058



Number of Sessions per User  
2.97

Pageviews  
284,866,233

Pages / Session  
2.39

Avg. Session Duration  
00:05:22

Bounce Rate  
56.41%

Service Provider

Service Provider	Users	% Users
1. service provider corporation	1,137,641	13.16%
2. cellco partnership dba verizon wireless	809,503	9.37%
3. comcast cable communications inc.	567,629	6.57%
4. road runner holdco llc	530,693	6.14%
5. sprint nextel corporation	407,969	4.72%
6. at&t internet services	376,275	4.35%
7. verizon online llc	369,602	4.28%
8. (not set)	238,061	2.75%
9. t-mobile usa inc.	208,989	2.42%
10. cox communications	190,163	2.20%



Analytics

http://www.infowars.com

www.infowars.com

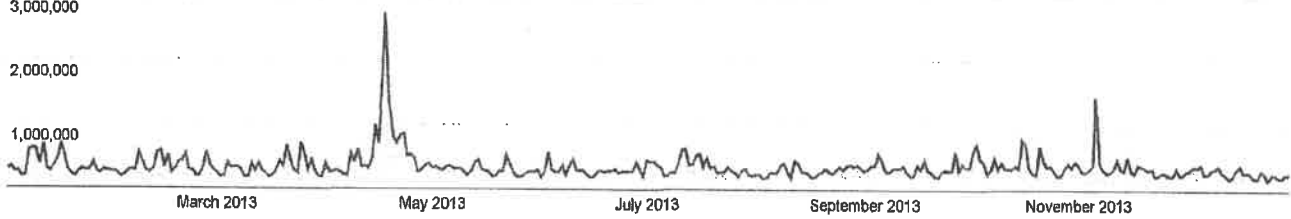
Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2013 - Dec 31, 2013

## Overview

● Users  
3,000,000

Users

60,896,317

New Users

58,454,408

Sessions

179,324,958

Number of Sessions per User

2.94

Pageviews

436,145,187

Pages / Session

2.43

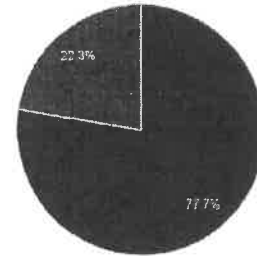
Avg. Session Duration

00:17:02

Bounce Rate

60.25%

■ New Visitor ■ Returning Visitor



## Service Provider

Users % Users

1. service provider corporation	2,376,251	10.28%
2. cellco partnership dba verizon wireless	1,569,696	6.79%
3. comcast cable communications inc.	1,294,506	5.60%
4. (not set)	1,269,750	5.50%
5. at&t internet services	1,021,110	4.42%
6. sprint nextel corporation	905,939	3.92%
7. verizon online llc	881,541	3.82%
8. amazon.com inc.	846,380	3.66%
9. time warner cable internet llc	778,211	3.37%
10. road runner holdco llc	646,535	2.80%





Analytics

http://www.infowars.com

www.infowars.com

Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

## Overview

## Users

1,500,000

1,000,000

500,000

March 2014

May 2014

July 2014

September 2014

November 2014

## Users

57,506,817

## New Users

55,869,830

## Sessions

183,862,383

## Number of Sessions per User

3.20

## Pageviews

411,548,207

## Pages / Session

2.24

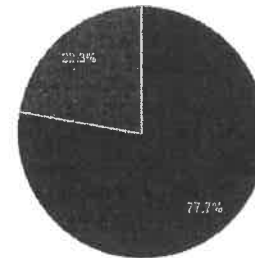
## Avg. Session Duration

00:19:31

## Bounce Rate

64.73%

■ New Visitor ■ Returning Visitor



## Service Provider

Users % Users

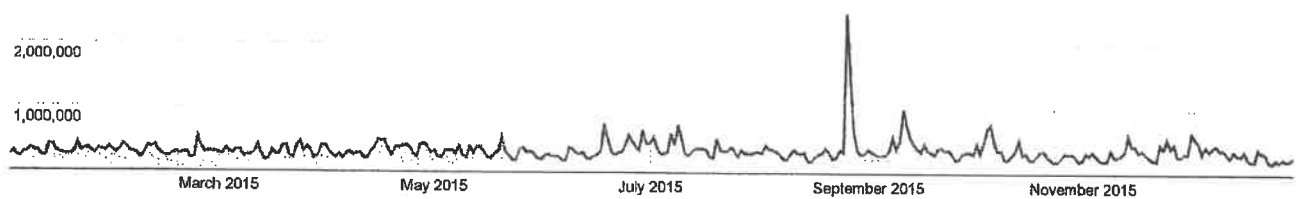
1. (not set)	3,446,870	11.36%
2. service provider corporation	2,385,219	7.86%
3. time warner cable internet llc	1,961,074	6.46%
4. cellco partnership dba verizon wireless	1,498,303	4.94%
5. at&t internet services	1,450,113	4.78%
6. comcast cable communications inc.	1,402,659	4.62%
7. sprint nextel corporation	1,311,061	4.32%
8. verizon online llc	1,158,766	3.82%
9. charter communications	867,052	2.86%
10. t-mobile usa inc.	780,604	2.57%

## Audience Overview

 All Users  
100.00% Users

Jan 1, 2015 - Dec 31, 2015

## Overview

 Users  
3,000,000


Users

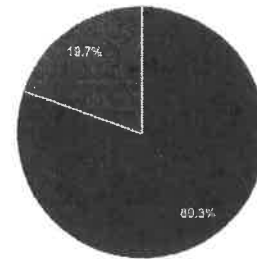
64,126,790

New Users

62,914,640

Sessions

191,984,644

 New Visitor
  Returning Visitor


Number of Sessions per User

2.99

Pageviews

393,422,524

Pages / Session

2.05

Avg. Session Duration

00:02:50

Bounce Rate

65.06%

## Service Provider

Users % Users

1. (not set)	7,885,701	18.74%
2. time warner cable internet llc	2,246,416	5.34%
3. service provider corporation	2,058,158	4.89%
4. at&t mobility llc	1,707,000	4.06%
5. verizon online llc	1,562,156	3.71%
6. cellco partnership dba verizon wireless	1,420,387	3.38%
7. charter communications	1,174,115	2.79%
8. comcast cable communications inc.	1,131,853	2.69%
9. at&t internet services	1,087,285	2.58%
10. cox communications	795,294	1.89%

## Audience Overview

All Users  
100.00% Users

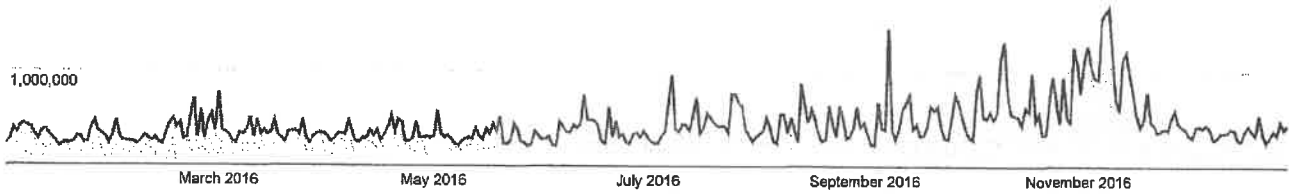
Jan 1, 2016 - Dec 31, 2016

## Overview

## ● Users

2,000,000

1,000,000



## Users

73,749,848

## New Users

72,118,976

## Sessions

218,709,812

## Number of Sessions per User

2.97

## Pageviews

462,481,331

## Pages / Session

2.11

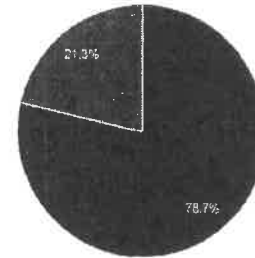
## Avg. Session Duration

00:03:03

## Bounce Rate

60.39%

■ New Visitor ■ Returning Visitor



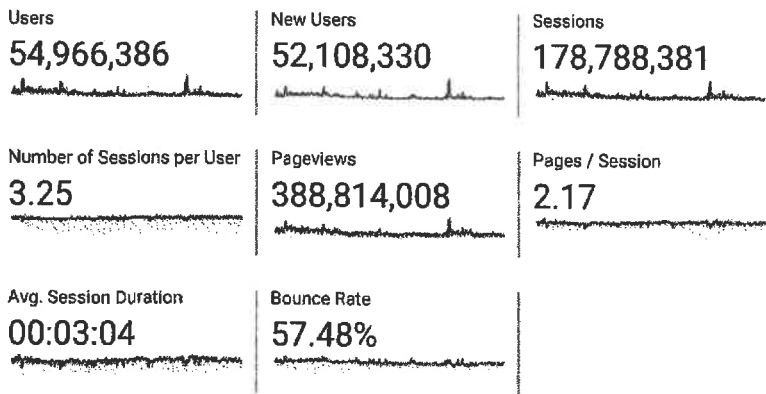
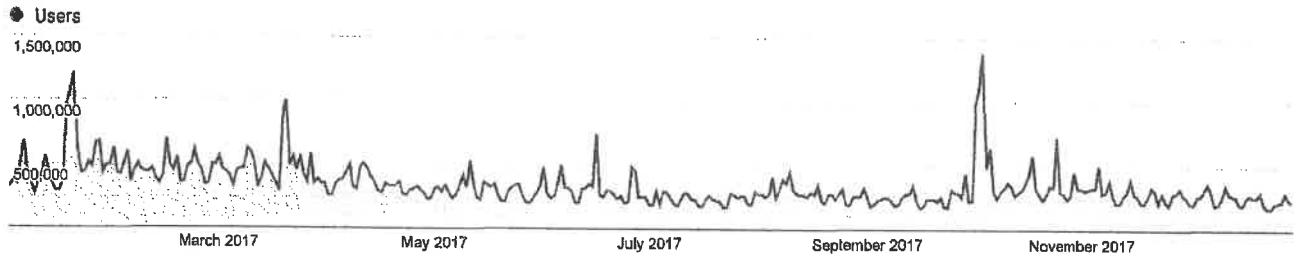
Service Provider	Users	% Users
1. (not set)	14,714,613	27.85%
2. time warner cable internet llc	2,772,965	5.25%
3. at&t mobility llc	2,717,392	5.14%
4. service provider corporation	1,999,756	3.79%
5. charter communications	1,660,629	3.14%
6. cellco partnership dba verizon wireless	1,159,158	2.19%
7. comcast cable communications inc.	1,078,205	2.04%
8. mci communications services inc. d/b/a verizon business	1,039,698	1.97%
9. at&t internet services	1,022,195	1.93%
10. comcast ip services l.l.c.	1,010,817	1.91%

## Audience Overview

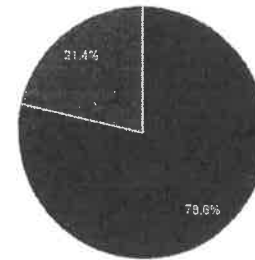
All Users  
100.00% Users

Jan 1, 2017 - Dec 31, 2017

### Overview



New Visitor Returning Visitor



Service Provider	Users	% Users
1. (not set)	12,491,560	34.25%
2. at&t mobility llc	1,787,472	4.90%
3. time warner cable internet llc	1,756,709	4.82%
4. mci communications services inc. d/b/a verizon business	1,071,697	2.94%
5. charter communications	1,022,690	2.80%
6. at&t internet services	680,720	1.87%
7. comcast ip services l.l.c.	618,121	1.69%
8. cellco partnership dba verizon wireless	592,009	1.62%
9. comcast cable communications inc.	580,920	1.59%
10. qwest communications company llc	568,042	1.56%

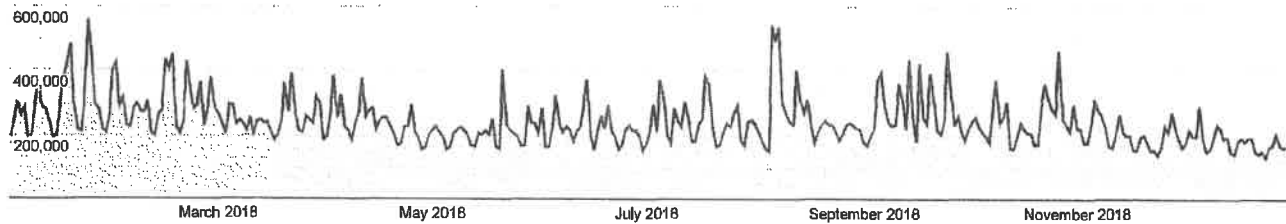
## Audience Overview

All Users  
100.00% Users

Jan 1, 2018 - Dec 31, 2018

## Overview

## Users



## Users

35,143,582

## New Users

33,373,209

## Sessions

132,867,188

## Number of Sessions per User

3.78

## Pageviews

322,660,710

## Pages / Session

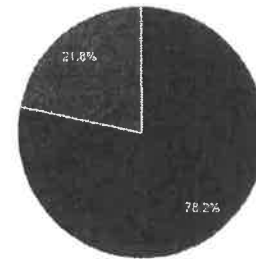
2.43

## Avg. Session Duration

00:03:20

## Bounce Rate

53.46%

 New Visitor
  Returning Visitor


Service Provider	Users	% Users
1. (not set)	4,661,056	19.56%
2. cellco partnership dba verizon wireless	1,562,546	6.56%
3. time warner cable internet llc	1,388,162	5.82%
4. comcast cable communications llc	1,180,283	4.95%
5. at&t mobility llc	815,034	3.42%
6. charter communications	717,740	3.01%
7. mcl communications services inc. d/b/a verizon business	707,107	2.97%
8. at&mt mobility llc	605,826	2.54%
9. t-mobile usa inc.	568,875	2.39%
10. at&mt corp.	393,428	1.65%



Analytics

Infowars Store

All Web Site Data

[Go to report](#)

## Audience Overview

All Users  
100.00% Users

Jan 1, 2015 - Dec 31, 2015

## Overview

Users

30,000

20,000

10,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

319,533

New Users

319,533

Sessions

481,817

There is no data for this view.

Number of Sessions per User

1.51

Pageviews

2,014,486

Pages / Session

4.18

Avg. Session Duration

00:03:01

Bounce Rate

54.01%

Language

Users % Users

There is no data for this view.



Analytics

Infowars Store

All Web Site Data

Go to report

## Audience Overview

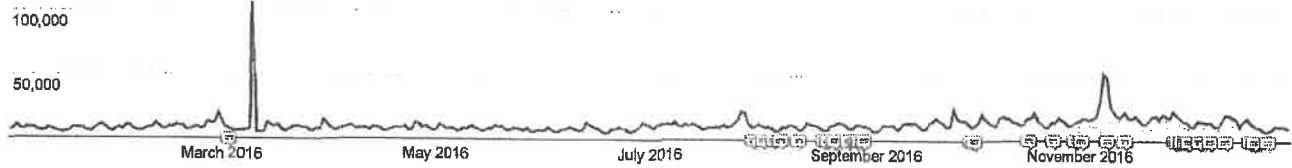
All Users  
100.00% Users

Jan 1, 2016 - Dec 31, 2016

## Overview

## Users

150,000



## Users

2,653,423

## New Users

2,605,128

## Sessions

5,112,772

## Number of Sessions per User

1.93

## Pageviews

34,287,444

## Pages / Session

6.71

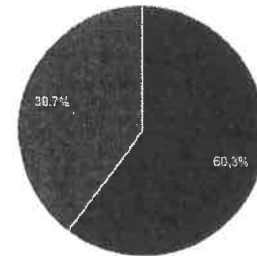
## Avg. Session Duration

00:03:48

## Bounce Rate

29.52%

■ New Visitor ■ Returning Visitor



## Language

Users % Users

1. en-us	89,342	83.60%
2. c	8,158	7.63%
3. en-gb	3,913	3.66%
4. en-ca	1,855	1.74%
5. en-au	792	0.74%
6. nl	216	0.20%
7. de	215	0.20%
8. en	168	0.16%
9. sv-se	163	0.15%
10. fr	144	0.13%





Analytics

Infowars Store

All Web Site Data

Go to report

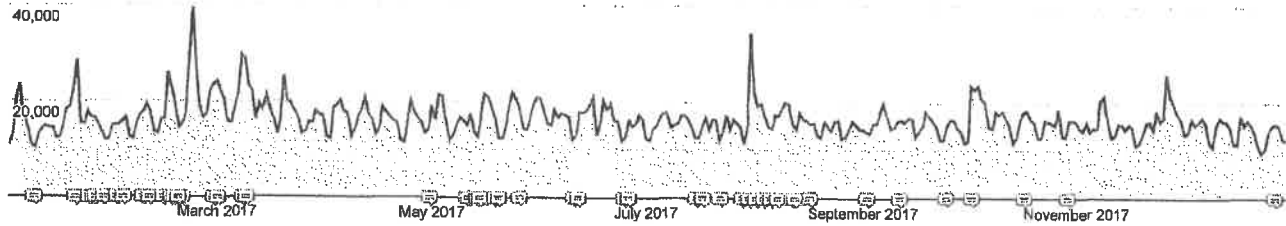
## Audience Overview

All Users  
100.00% Users

Jan 1, 2017 - Dec 31, 2017

## Overview

## Users



## Users

3,132,247

## New Users

3,057,641

## Sessions

7,531,369

## Number of Sessions per User

2.40

## Pageviews

34,282,728

## Pages / Session

4.55

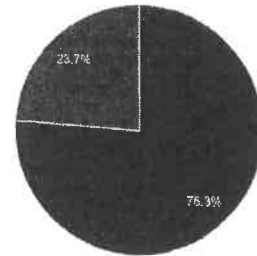
## Avg. Session Duration

00:03:42

## Bounce Rate

48.64%

■ New Visitor ■ Returning Visitor



Language	Users	% Users
1. en-us	2,780,017	88.50%
2. en-gb	123,241	3.92%
3. en-ca	58,528	1.86%
4. en-au	23,738	0.76%
5. c	21,559	0.69%
6. es-419	10,074	0.32%
7. en	9,623	0.31%
8. es	9,140	0.29%
9. de	8,876	0.28%
10. pt-br	8,249	0.26%



Infoware Store  
Analytics All Web Site Data

Go to report

## Audience Overview

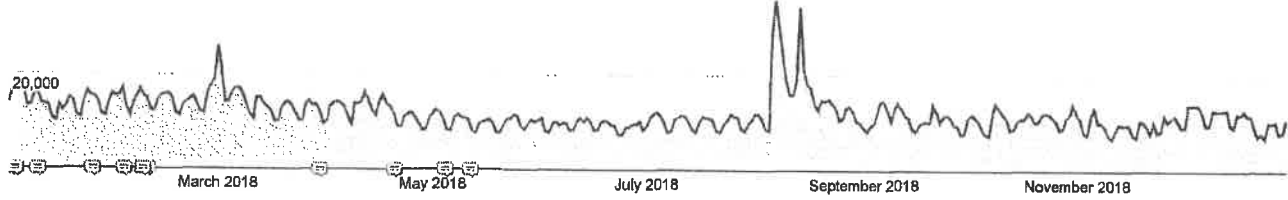
All Users  
100.00% Users

Jan 1, 2018 - Dec 31, 2018

## Overview

## Users

40,000



## Users

2,319,702

## New Users

2,249,348

## Sessions

5,887,859

## Number of Sessions per User

2.54

## Pageviews

27,081,597

## Pages / Session

4.60

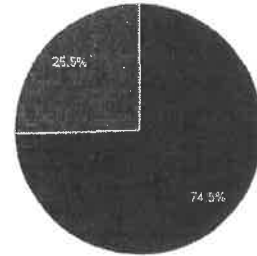
## Avg. Session Duration

00:03:37

## Bounce Rate

46.86%

■ New Visitor ■ Returning Visitor



Language	Users	% Users
1. en-us	2,100,574	90.19%
2. en-gb	77,136	3.31%
3. en-ca	45,789	1.97%
4. en-au	18,442	0.79%
5. de-de	7,040	0.30%
6. en	6,950	0.30%
7. sv-se	4,642	0.20%
8. nl-nl	4,504	0.19%
9. pt-br	4,120	0.18%
10. es-es	3,912	0.17%



Analytics

Infowars Shop

All Web Site Data

Go to report

### Audience Overview

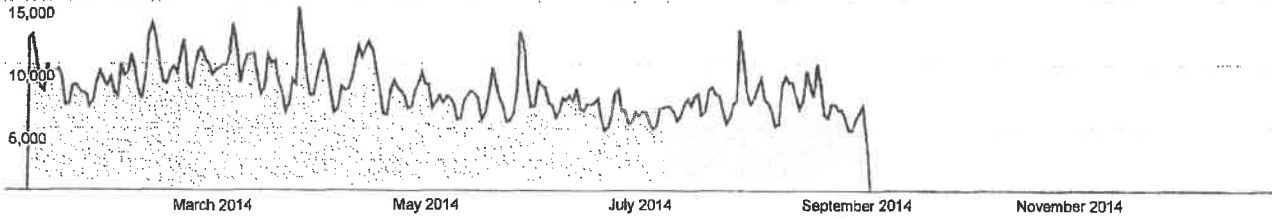


All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

#### Overview

Users



Users

1,402,377

New Users

1,401,792

Sessions

2,097,803

There is no data for this view.

Number of Sessions per User

1.50

Pageviews

7,594,153

Pages / Session

3.62

Avg. Session Duration

00:03:28

Bounce Rate

48.60%

Language

Users % Users

There is no data for this view.



Analytics

Store.Intowars.com

All Web Site Data

Go to report

## Audience Overview



All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

### Overview

● Users

20,000

10,000

March 2014

May 2014

July 2014

September 2014

November 2014

There is no data for this view.

Users

638,543

New Users

633,189

Sessions

1,227,787

Number of Sessions per User

1.92

Pageviews

8,610,108

Pages / Session

7.01

Avg. Session Duration

00:03:20

Bounce Rate

14.19%

Service Provider

Users % Users

There is no data for this view.

### Audience Overview



All Users  
100.00% Users

Jan 1, 2015 - Dec 31, 2015

#### Overview

Users

1,000,000

500,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

12,427,399

New Users

12,366,595

Sessions

31,089,027

There is no data for this view.

Number of Sessions per User

2.50

Pageviews

82,033,098

Pages / Session

2.64

Avg. Session Duration

00:02:52

Bounce Rate

59.53%

Service Provider

Users % Users

There is no data for this view.

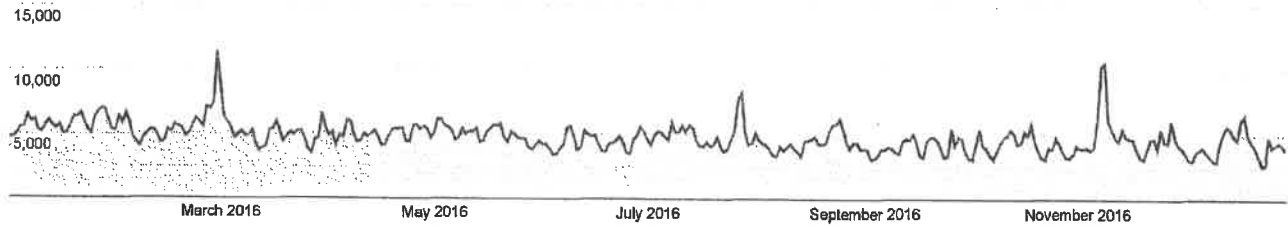
## Audience Overview

 All Users  
100.00% Users

Jan 1, 2016 - Dec 31, 2016

### Overview

#### Users



#### Users

1,238,750

#### New Users

1,186,990

#### Sessions

2,064,364

#### Number of Sessions per User

1.67

#### Pageviews

15,840,378

#### Pages / Session

7.67

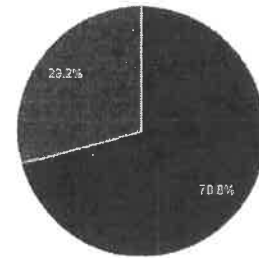
#### Avg. Session Duration

00:03:48

#### Bounce Rate

0.67%

 New Visitor  Returning Visitor



### Service Provider

Service Provider	Users	% Users
1. (not set)	8,370	35.31%
2. time warner cable internet llc	1,148	4.84%
3. at&t mobility llc	1,118	4.72%
4. charter communications	855	3.61%
5. mci communications services inc. d/b/a verizon business	591	2.49%
6. qwest communications company llc	464	1.96%
7. at&t internet services	453	1.91%
8. cellco partnership dba verizon wireless	389	1.64%
9. comcast ip services l.l.c.	376	1.59%
10. service provider corporation	360	1.52%



Analytics

Store.infowars.com

All Web Site Data

Go to report

## Audience Overview

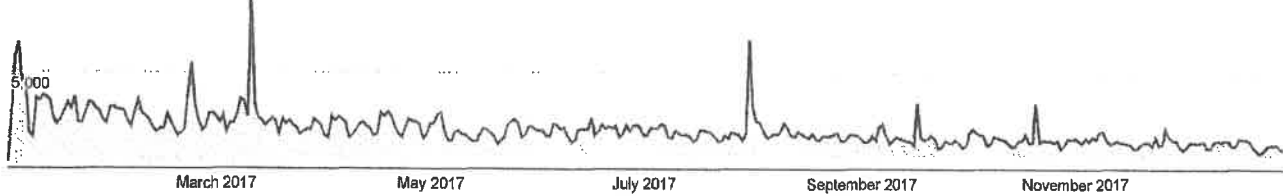
All Users  
100.00% Users

Jan 1, 2017 - Dec 31, 2017

## Overview

● Users

10,000



Users

573,653

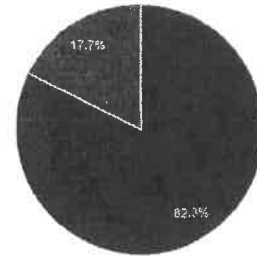
New Users

565,648

Sessions

887,608

■ New Visitor ■ Returning Visitor



Number of Sessions per User

1.55

Pageviews

6,634,137

Pages / Session

7.47

Avg. Session Duration

00:03:26

Bounce Rate

0.24%

## Service Provider

Users % Users

1. (not set)	96,570	34.01%
2. time warner cable internet llc	11,541	4.07%
3. at&t mobility llc	9,652	3.40%
4. charter communications	7,875	2.77%
5. mci communications services inc. d/b/a verizon business	6,623	2.33%
6. qwest communications company llc	4,644	1.64%
7. comcast ip services l.l.c.	3,696	1.30%
8. at&t internet services	3,525	1.24%
9. comcast cable communications inc.	3,500	1.23%
10. cellco partnership dba verizon wireless	3,395	1.20%

Store.infowars.com  
All Web Site Data

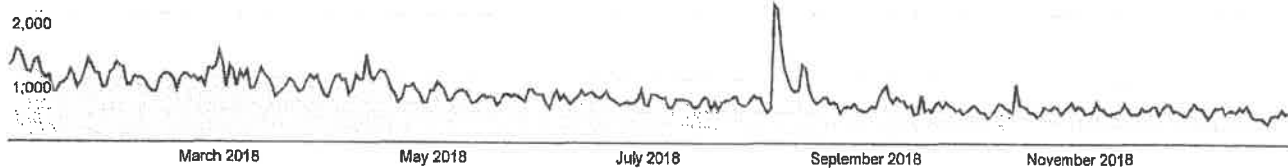
Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2018 - Dec 31, 2018

## Overview

Users  
3,000

Users

219,487

New Users

213,073

Sessions

326,323

Number of Sessions per User

1.49

Pageviews

2,161,727

Pages / Session

6.62

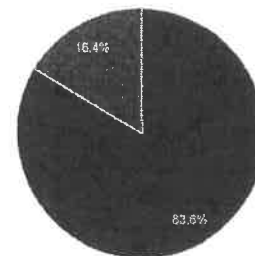
Avg. Session Duration

00:02:57

Bounce Rate

0.30%

■ New Visitor ■ Returning Visitor



Service Provider	Users	% Users
1. (not set)	22,232	19.19%
2. hughes network systems	4,491	3.88%
3. time warner cable Internet llc	4,443	3.84%
4. cellco partnership dba verizon wireless	4,288	3.70%
5. comcast cable communications llc	3,136	2.71%
6. at&t mobility llc	2,397	2.07%
7. charter communications	2,357	2.03%
8. t-mobile usa inc.	2,351	2.03%
9. mci communications services inc. d/b/a verizon business	2,031	1.75%
10. shaw communications inc.	1,842	1.59%

Analytics  
prisonplanet.tv

Go to report

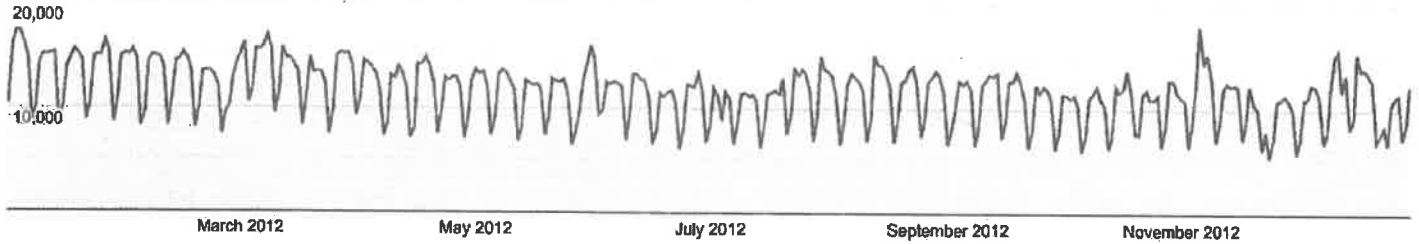
## Audience Overview

All Users  
100.00% Users

Jan 1, 2012 - Dec 31, 2012

## Overview

● Users



Users

1,764,974

New Users

1,732,093

Sessions

5,786,016

There is no data for this view.

Number of Sessions per User

3.28

Pageviews

9,879,368

Avg. Session Duration

00:01:47

Bounce Rate

57.38%

Language

Tr

% Users

Prison Planet  
TV Subscriptions  
now  
free (late 2015)  
- website data



Analytics  
prisonplanet.tv

Go to report

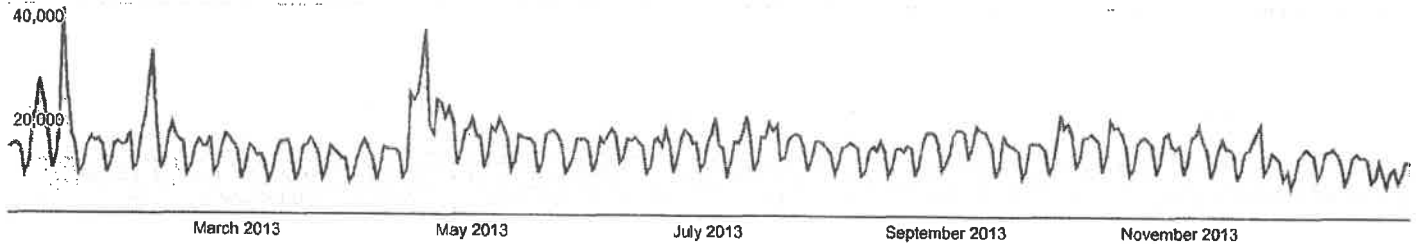
## Audience Overview

All Users  
100.00% Users

Jan 1, 2013 - Dec 31, 2013

## Overview

Users



Users

1,920,622

New Users

1,865,236

Sessions

7,064,061

There is no data for this view.

Number of Sessions per User

3.68

Pageviews

22,317,587

Pages / Session

3.16

Avg. Session Duration

00:03:30

Bounce Rate

30.19%

Language

Users % Users

There is no data for this view.

Analytics  
prisonplanet.tvGo to report ☒

## Audience Overview

All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

## Overview

● Users

20,000

10,000

March 2014

May 2014

July 2014

September 2014

November 2014

Users

1,127,638

New Users

1,071,115

Sessions

3,569,978

There is no data for this view.

Number of Sessions per User

3.17

Pageviews

11,021,098

Pages / Session

3.09

Avg. Session Duration

00:03:11

Bounce Rate

30.58%

Language

Users % Users

There is no data for this view.

## Analytics All Web Site Data

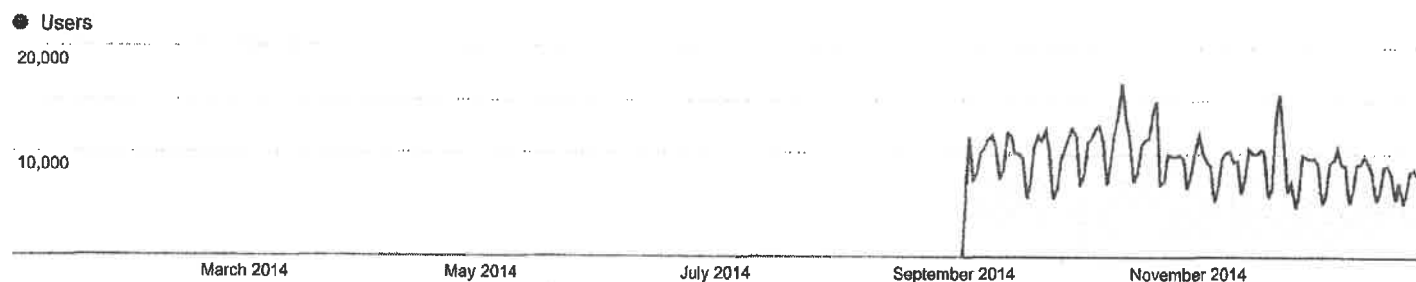
Go to report 

## Audience Overview

 All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

## Overview

Users  
478,463New Users  
478,244Sessions  
1,533,631

There is no data for this view.

Number of Sessions per User  
3.21Pageviews  
4,642,383Pages / Session  
3.03Avg. Session Duration  
00:02:44Bounce Rate  
31.90%

## Language

Users % Users

There is no data for this view.



## Analytics All Web Site Data

Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2015 - Dec 31, 2015

## Overview

● Users

15,000

10,000

5,000

March 2015

May 2015

July 2015

September 2015

November 2015

Users

1,084,793

New Users

1,058,039

Sessions

3,570,065

There is no data for this view.

Number of Sessions per User

3.29

Pageviews

10,779,174

Pages / Session

3.02

Avg. Session Duration

00:02:36

Bounce Rate

31.81%

Language

Users % Users

There is no data for this view.



## Analytics All Web Site Data

Go to report

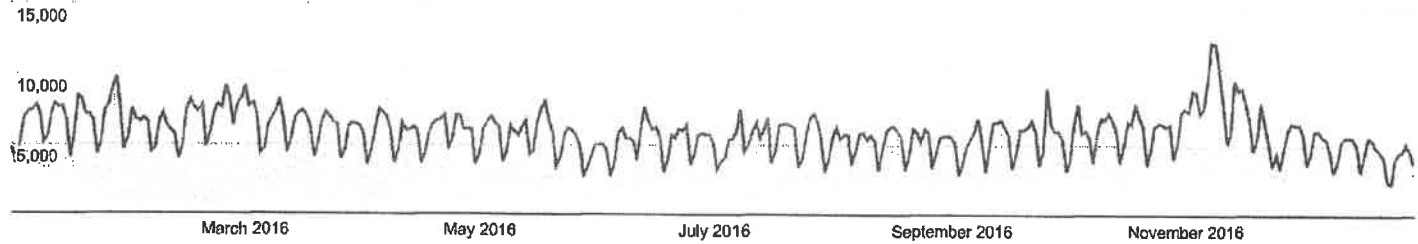
## Audience Overview

All Users  
100.00% Users

Jan 1, 2016 - Dec 31, 2016

## Overview

## Users



## Users

926,919

## New Users

898,954

## Sessions

2,944,151

## Number of Sessions per User

3.18

## Pageviews

8,423,176

## Pages / Session

2.86

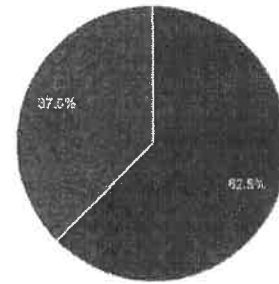
## Avg. Session Duration

00:02:18

## Bounce Rate

35.69%

■ New Visitor ■ Returning Visitor



## Language

Users % Users

1. en-us	25,923	88.41%
2. en-gb	1,257	4.29%
3. en-ca	552	1.88%
4. en-au	206	0.70%
5. en	94	0.32%
6. de	89	0.30%
7. c	86	0.29%
8. fr	73	0.25%
9. nl-nl	66	0.23%
10. nl	59	0.20%

## Analytics All Web Site Data

Go to report 

## Audience Overview

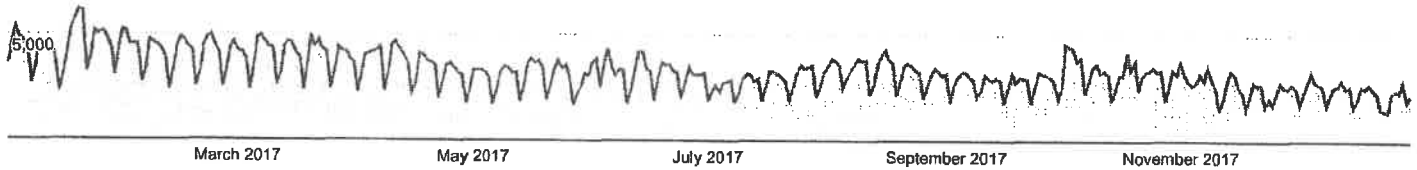
 All Users  
100.00% Users

Jan 1, 2017 - Dec 31, 2017

## Overview

● Users

10,000



Users  
**506,221**

New Users  
**490,104**

Sessions  
**1,651,783**

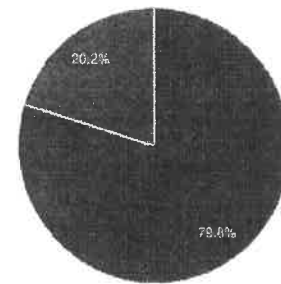
Number of Sessions per User  
**3.26**

Pageviews  
**4,764,686**

Pages / Session  
**2.88**

Avg. Session Duration  
**00:02:24**

Bounce Rate  
**35.25%**

 New Visitor
  Returning Visitor


Language	Users	% Users
1. en-us	449,908	88.66%
2. en-gb	21,075	4.15%
3. en-ca	9,808	1.93%
4. en-au	3,555	0.70%
5. en	1,703	0.34%
6. fr	1,598	0.31%
7. c	1,523	0.30%
8. zh-cn	1,291	0.25%
9. de	1,224	0.24%
10. pt-br	966	0.19%



## Analytics All Web Site Data

Go to report

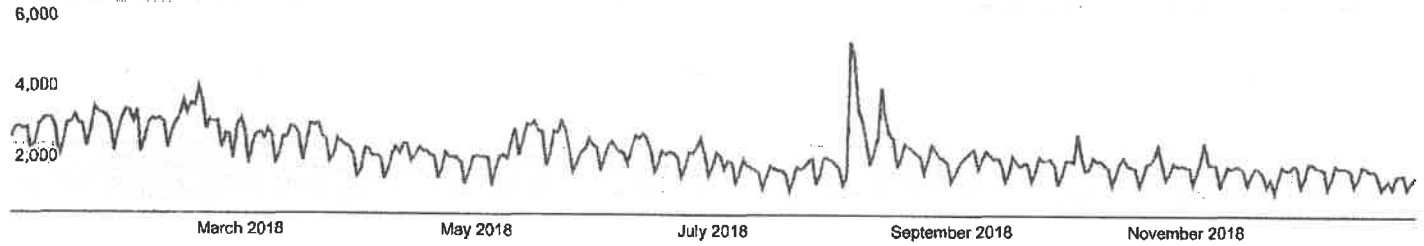
## Audience Overview

All Users  
100.00% Users

Jan 1, 2018 - Dec 31, 2018

## Overview

● Users



Users

287,199

New Users

276,141

Sessions

918,042

Number of Sessions per User

3.20

Pageviews

2,722,174

Pages / Session

2.97

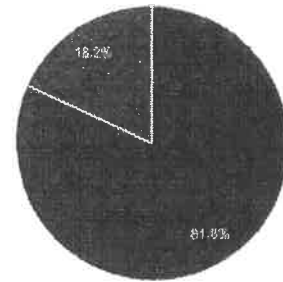
Avg. Session Duration

00:02:38

Bounce Rate

36.35%

■ New Visitor ■ Returning Visitor



## Language

Users % Users

1. en-us	261,387	90.59%
2. en-gb	8,739	3.03%
3. en-ca	5,103	1.77%
4. en-au	1,996	0.69%
5. c	1,227	0.43%
6. de-de	791	0.27%
7. nl-nl	636	0.22%
8. fr	635	0.22%
9. pt-br	620	0.21%
10. zh-cn	606	0.21%

Audience Overview

All Users  
100.00% Users

Jan 1, 2012 - Dec 31, 2012

Overview

Users

3,000

2,000

1,000

March 2012

September 2012

November 2012

Users

61,002

Number of Sessions per User

1.21

Avg. Session Duration

00:01:07

Infowars Health.com

- web traffic

- largely mas. sells  
7s products ; give  
12% ant.

There is no data for this view.

Language

Users % Users

There is no data for this view.





Analytics infowarshealth.com

Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2013 - Dec 31, 2013

## Overview

## Users

2,000

1,000

March 2013

May 2013

July 2013

September 2013

November 2013

## Users

135,193

## New Users

133,084

## Sessions

182,012

There is no data for this view.

## Number of Sessions per User

1.35

## Pageviews

256,625

## Pages / Session

1.41

## Avg. Session Duration

00:01:35

## Bounce Rate

75.49%

## Language

Users % Users

There is no data for this view.



Analytics infowarshealth.com

Go to report ☒

## Audience Overview

All Users  
100.00% Users

Jan 1, 2014 - Dec 31, 2014

## Overview

● Users

1,000

500

March 2014

May 2014

July 2014

September 2014

November 2014

Users

57,814

New Users

55,127

Sessions

75,585

There is no data for this view.

Number of Sessions per User

1.31

Pageviews

105,682

Pages / Session

1.40

Avg. Session Duration

00:01:25

Bounce Rate

75.07%

Language

Users % Users

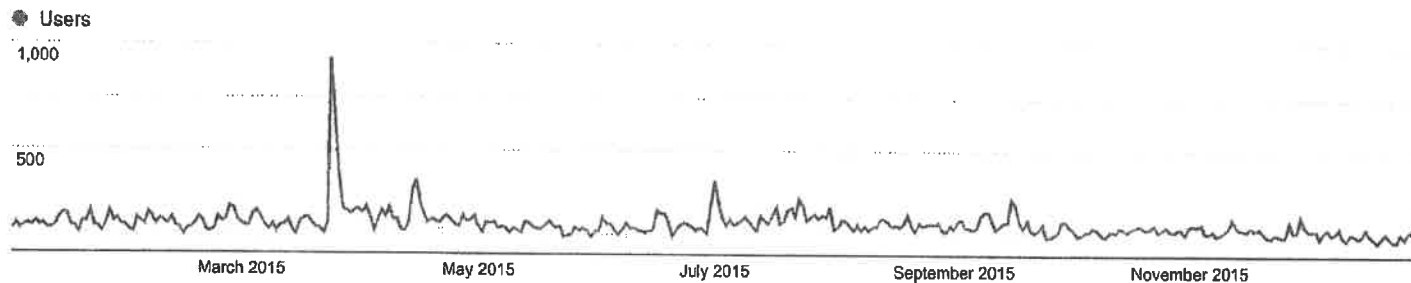
There is no data for this view.

## Audience Overview

 All Users  
100.00% Users

Jan 1, 2015 - Dec 31, 2015

## Overview



Users

44,152

New Users

42,868

Sessions

58,145

There is no data for this view.

Number of Sessions per User

1.32

Pageviews

84,199

Pages / Session

1.45

Avg. Session Duration

00:01:39

Bounce Rate

73.93%

Language

Users % Users

There is no data for this view.

Analytics  
infowarshealth.com

Go to report

## Audience Overview

All Users  
100.00% Users

Jan 1, 2016 - Dec 31, 2016

## Overview

● Users

600

400

200

March 2016

May 2016

July 2016

September 2016

November 2016

Users

25,260

New Users

24,727

Sessions

33,387

Number of Sessions per User

1.32

Pageviews

197,181

Pages / Session

5.91

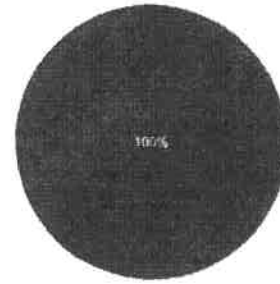
Avg. Session Duration

00:03:09

Bounce Rate

24.73%

■ New Visitor



## Language

Users % Users

1. ru	13	76.47%
2. ru-ru	4	23.53%

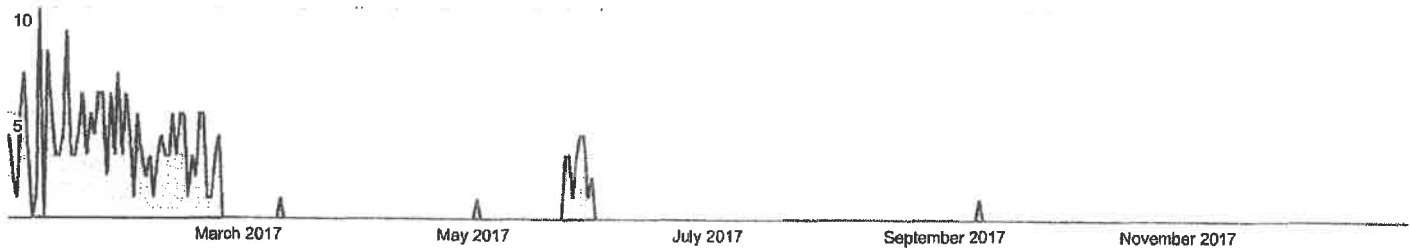
## Audience Overview

 All Users  
100.00% Users

Jan 1, 2017 - Dec 31, 2017

## Overview

## Users



## Users

220

## New Users

218

## Sessions

247

## Number of Sessions per User

1.12

## Pageviews

254

## Pages / Session

1.03

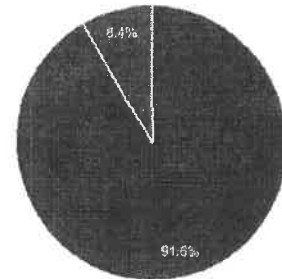
## Avg. Session Duration

00:00:10

## Bounce Rate

97.17%

■ New Visitor ■ Returning Visitor



## Language

	Users	% Users
1. ru	160	72.73%
2. ru-ru	55	25.00%
3. en-us	3	1.36%
4. c	1	0.45%
5. zh-cn	1	0.45%

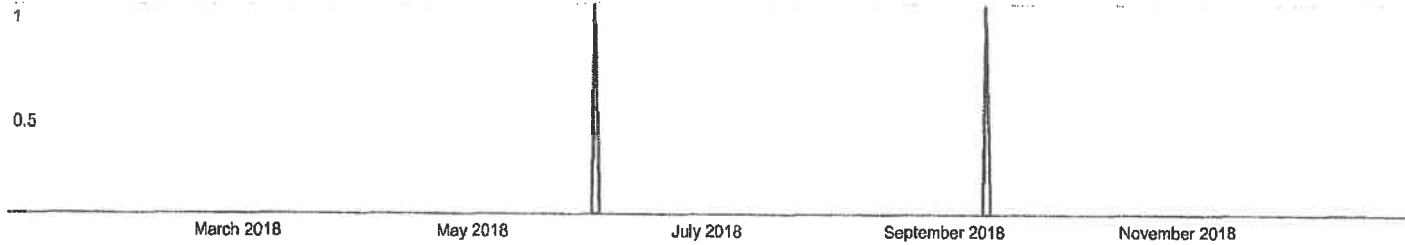
## Audience Overview

 All Users  
100.00% Users

Jan 1, 2018 - Dec 31, 2018

### Overview

 Users



Users

2

New Users

2

Sessions

2

Number of Sessions per User

1.00

Pageviews

3

Pages / Session

1.50

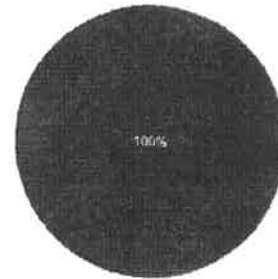
Avg. Session Duration

00:00:04

Bounce Rate

50.00%

 New Visitor



### Language

Language	Users	% Users
1. en-us	2	100.00%

[REDACTED]

August 16, 2018

[REDACTED]

**VIA FEDEX**

Philipp Schindler  
Senior Vice President  
Google LLC  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Schindler:

We represent Free Speech Systems, LLC ("Free Speech") in certain federal court matters. Free Speech has forwarded to us your letter of August 9, 2018 regarding notice of termination of a Content Hosting Services Agreement ("CHSA"), dated December 12, 2013 and as amended on July 24, 2015. In accordance with its obligations in the court cases referenced above (as well as other litigated matters), Free Speech is required to preserve evidence including documents and videos posted pursuant to the CHSA.

It is not clear from your letter the specific grounds upon which Google is relying to terminate the CHSA. It is also not clear what is meant by your statement that "your Content Owner will be dissolved, but any active channels within that Content Owner and any live videos on those channels will remain." Please clarify what you mean by this statement and send us a copy of the CHSA, including all amendments, and any other documents that define "Content Owner" as referenced in the statement above.

Further, in light of its preservation obligations, Free Speech asks that Google refrain from deleting, destroying, dissolving, or otherwise rendering inoperable any videos or other documents posted by Free Speech or Alex Jones (or others at their direction) until Free Speech has retrieved all of the materials. We understand that Free Speech is currently unable to access these materials because its account is frozen.

You can email a copy of the CHSA to me at [REDACTED]. Please do so as soon as possible.

[REDACTED]

EXHIBIT

158

August 16, 2018

Page 2

Thank you for your attention to this matter and please feel free to contact me if you have any questions or would like to discuss further.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. J. [unclear]", is written over a black rectangular redaction box.A black rectangular redaction box covering the name of the signatory.

Partner





August 9, 2018

Via Federal Express and Email

Google LLC  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Attn: Alex Jones and Buckley Hamman  
Free Speech Systems, LLC ("Partner")  
3019 Alvin DeVane Blvd Suite 350  
Austin Texas 78741

[alexjones76@gmail.com](mailto:alexjones76@gmail.com), [buckley7@infowars.com](mailto:buckley7@infowars.com)

**Attention: Legal Department**  
**Re: Termination of Content Agreements**

Dear Sir

We write on behalf of Google LLC f/k/a Google Inc. ("Google") to inform you that we are exercising our contractual rights to terminate the Content Hosting Services Agreement ("CHSA"), dated December 12, 2013, and as amended on July 24, 2015. This letter serves as written notice that Google is exercising its right to terminate the CHSA on 30 days prior written notice under section 11.2.

Accordingly, the CHSA will be terminated as of **September 10, 2018**. The Sections that are described as surviving in the CHSA will survive termination. Upon termination, your Content Owner will be dissolved, but any active channels within that Content Owner and any live videos on those channels will remain.

This notice is not a waiver of any claims or defenses available to Google, including those set forth under the agreements

Signed by an authorized representative of Google:

By:

Name:

Digitally signed by  
Authorized Representative

2018.08.10

07:08:00 -07'00'

Date:



This is Exhibit “C” referred to in the  
Affidavit of Jordan Campbell sworn before me,  
this 23<sup>rd</sup> day of August, 2021.

DocuSigned by:

*Kerry McGladdery Dent*

A COMMISSIONER FOR TAKING AFFIDAVITS

# RANDAZZA

---

## LEGAL GROUP

Jay Marshall Wolman, JD  
Licensed in CT, MA, NY, DC

**24 June 2021**

Via Email Only

Christopher Mattei  
<cmattei@koskoff.com>

Matthew Blumenthal  
<mblumenthal@koskoff.com>

Alinor Sterling  
<asterling@koskoff.com>

**Re: June 28, 2021 | Deadline for Production of Google Analytics**

Dear Counsel,

As discussed today, and as you are aware, the deadline for production of the Google Analytics is on June 28, 2021. The full dataset cannot be produced as an export, which thus means the only method of production is by live access to the dataset for your inspection. And, the Court previously declined to order us to provide you with a log-in. As a result, the only method for your inspection is the sandbox approach referenced during today's deposition. I recall previously making this offer to you, either during a telephone conversation or during the June 2 hearing (the transcript of which we are requesting to verify), but was not memorialized in writing and which Attorney Mattei did not recollect.

This method of inspection is akin to traditional paper discovery, where the requesting party is let into the storeroom of documents organized as kept in the ordinary course of business. You will have full liberty to run whatever searches Google Analytics permits and have full access to inspect the dataset. We envision two possible ways for this sandbox approach--we can provide you with a TeamViewer access to a Free Speech Systems computer connected to the Google Analytics or we can meet you at an agreed-upon location with a clean, new computer, where we will log-in the computer during the period of your inspection.

//

//

//

//

//

---

100 Pearl Street, 14<sup>th</sup> Floor, Hartford, Connecticut 06103

jmw@randazza.com | 702.420.2001

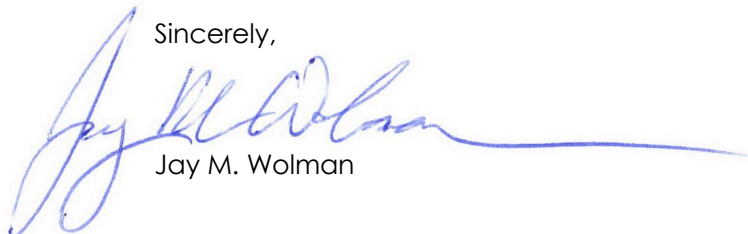
Randazza Legal Group  
Page 2 of 2

**RANDAZZA**  
LEGAL GROUP

Let us know which approach you prefer so that we can know if we are to meet up with you on or before the 28th.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay M. Wolman", with a long horizontal flourish extending to the right.

Jay M. Wolman

This is Exhibit “D” referred to in the  
Affidavit of Jordan Campbell sworn before me,  
this 23<sup>rd</sup> day of August, 2021.

DocuSigned by:

*Kerry McGladdery Dent*

A COMMISSIONER FOR TAKING AFFIDAVITS

# RANDAZZA

---

## LEGAL GROUP

Jay Marshall Wolman, JD  
Licensed in CT, MA, NY, DC

25 June 2021

Via Email Only

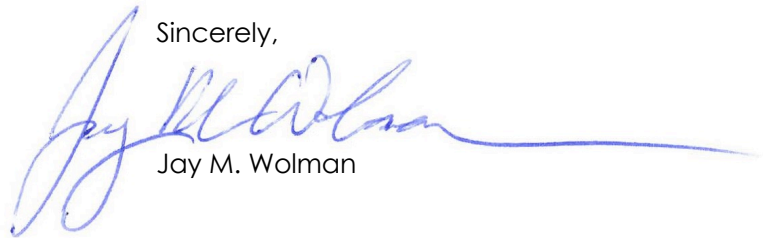
Christopher Mattei  
<cmattei@koskoff.com>

**Re: Lafferty v. Jones | Google Analytics**

Dear Attorney Mattei:

To be clear, there is no inconsistency. As set forth on June 2, to export the raw data, one must be an Analytics 360 member, i.e. a premium member. Free Speech Systems is not an Analytics 360 member, therefore it is impossible for it to export the data. As further offered on June 2, if Plaintiffs wish to make Free Speech Systems an Analytics 360 member, they have been welcome to do so. This offer was made on the record. Plaintiffs have declined this manner of production so far.

Sincerely,



Jay M. Wolman

cc: mblumenthal@koskoff.com, asterling@koskoff.com

This is Exhibit “E” referred to in the  
Affidavit of Jordan Campbell sworn before me,  
this 23<sup>rd</sup> day of August, 2021.

DocuSigned by:

*Kerry McGladdery Dent*

A COMMISSIONER FOR TAKING AFFIDAVITS

# Jordan Campbell

275 Callaway Road, Unit 80 • London, Ontario CANADA N6G 0N8  
Phone: (1) 416-500-2105 • E-Mail: goodsoupmedia@gmail.com

## Experience

---

**Digital Marketing Consultant**  
**Good Soup Media – London, Canada**

**2017 - Present**

Development and implementation of online marketing strategies for companies across North America including the use of Google Search and Display Ads, LinkedIn Sponsored Content and Sponsored Messaging Ads, Google Analytics tracking, Facebook Advertising and Email Campaign Planning & Distribution. Providing website design and website analysis services.

- Designing unique and custom-made online marketing strategies for clients
- Set-up and install appropriate website-based tracking tags for Google Analytics and ads purposes
- Detailed weekly reporting on campaign results and impact on website/landing page traffic

## Education

---

**Digital Social Media Consulting Course (DSMC)**

**Tai Lopez Knowledge Society - Online**

**2019**

Focus on the latest software developments for streamlining workflows and developing the most up to date advertising strategies. Strategic planning for ad campaign design and metrics reporting.

**Social Media Master Plan Seminar**

**Tai Lopez Knowledge Society - Seminar**

**2018**

In person intensive course designed to provide the latest and hands on experience in working with all online advertising platforms and data tracking/analysis programs (including Google, Facebook, Instagram, Snapchat, Twitter etc.) Detailed one-on-one coaching from professional online marketers.

**Social Media Marketing Agency (SMMA)**

**Tai Lopez Knowledge Society - Online**

**2016-2017**

Had the opportunity to learn some of the most cutting-edge sales strategies and online marketing techniques based on the latest cognitive research and software tools available from one of the most successful online marketers of the last decade, Tai Lopez.

## Skills

---

- Google Analytics
- Google Ads
- LinkedIn Advertising
- Facebook Business Manager
- Website Design
- Email Marketing
- Social Media Content Development



# EXHIBIT J



RADIO SHOWNEWSVIDEOSSTORE

---

BREAKING NEWSCONTACT

WATCH LIVE

---

BREAKING

STORE

## GOOGLE'S ANALYTICS PROVE INFOWARS HAS NO SANDY HOOK MARKETING Specialist destroys MSM agenda

The Alex Jones Show - JUNE 12, 2019



IMAGE CREDITS: TSTOKES / PIXABAY.

**Michael Zimmerman joins Alex Jones live in-studio to show and prove how, contrary to Democrat attorneys and judges, Infowars has no alleged 'Sandy Hook marketing' and makes no money from Sandy Hook video views, which happen to be less than 1% of all views.**





***Don't miss:***

***Fake News Exploits Generational Tech Gap To Smear Alex Jones***

*Many of America's governmental representatives are not familiar with how modern social media and Big Tech algorithms actually work. Alex exposes how fake news can be used to smear him and other patriots because of the [generational technology gap](#).*



I WANT **YOU** TO SAVE  
UP TO 75% OFF DOZENS  
OF PRODUCTS!



» **SHOP NOW** «

**SIGN UP**

for Infowars forbidden  
news alerts.





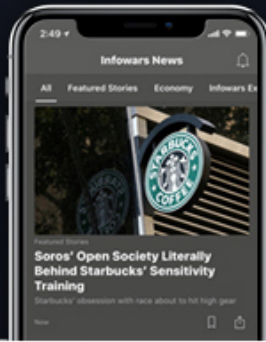
**SUBSCRIBE NOW!**

**WE NEED YOUR  
SUPPORT!**

donate to help the Infowar!

**DONATE TODAY!**

**DOWNLOAD**  
the free Infowars app!



## RELATED ARTICLES



**THE IMPEACHMENT AND GUN CONFISCATION FANTASY MUST END**

**SPECIAL REPORTS**



**GUN-GRABBERS UNITE!  
BETO, BIDEN, KAMALA AND  
KLOBUCHAR ALL PLEDGE TO  
GO AFTER YOUR 2ND  
AMENDMENT**

**SPECIAL REPORTS**

**THE TYRANNY BEHIND FREE HEALTHCARE**

**SPECIAL REPORTS**

**DEMS PRAISE BETO'S  
BIZARRE HANDLING OF EL  
PASO SHOOTING**

**SPECIAL REPORTS**

**DAVID KNIGHT SHOW:  
DEMOCRAT GAME SHOW –  
POWERBALL & AUCTION**

**SPECIAL REPORTS**

**SEARCH**

Search for articles



**I WANT *YOU* TO SAVE  
UP TO 75% OFF DOZENS  
OF PRODUCTS!**



**» SHOP NOW «**

**LISTEN TO THE ALEX JONES SHOW – HERE'S HOW**

**How To Get The Banned Infowars Podcasts On Your Smartphone** - Find out how to subscribe to our shows!

WATCH LIVE NOW



## LATEST STORIES

Watch Live: Democrats Call for Communist Revolution and Civil War During Third Presidential Debate

The Impeachment And Gun Confiscation Fantasy Must End

Come And Take It, Beto: You'll Never Get Our Guns

AOC Labels GOP Ad Slamming Socialism 'Racist'

Researchers Identify Areas of Eye That Change in Mild Alzheimer's Disease

In Show Of "Goodwill," Beijing Exempts US Pork, Soybeans From Trade-War Tariffs

## GET INFORMED

Get the latest breaking news & specials from Alex Jones and the Infowars crew.

First Name

Last Name



Email Address

SUBSCRIBE

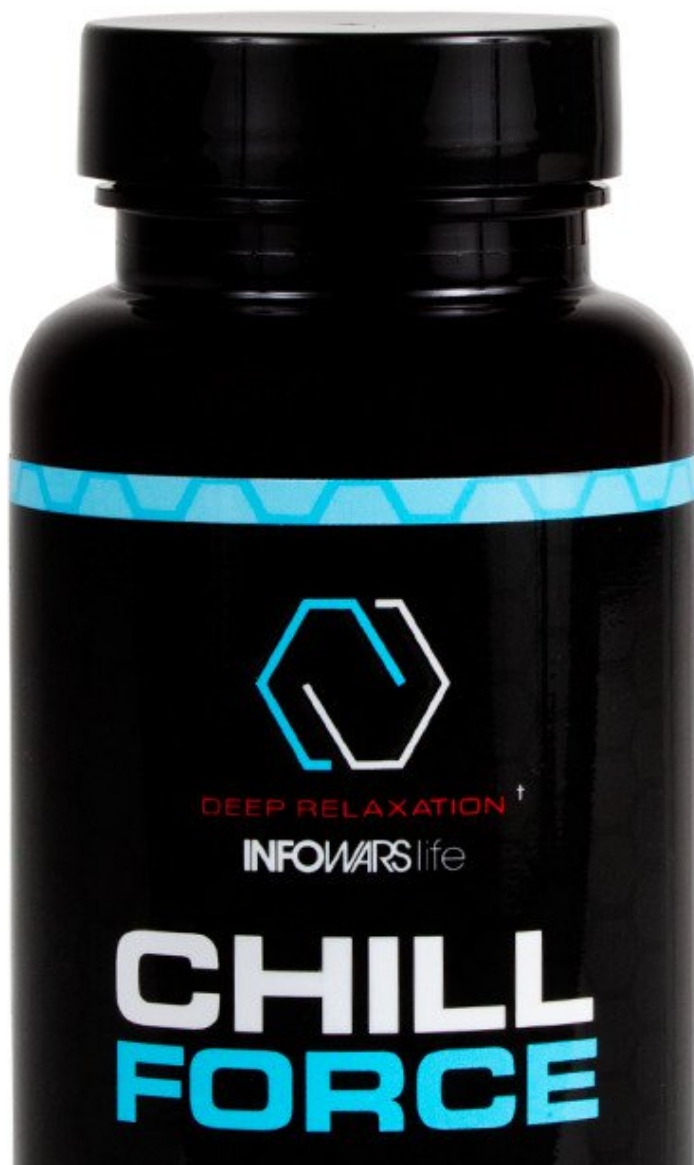
VISIT OUR STORE [SHOP HERE→](#)

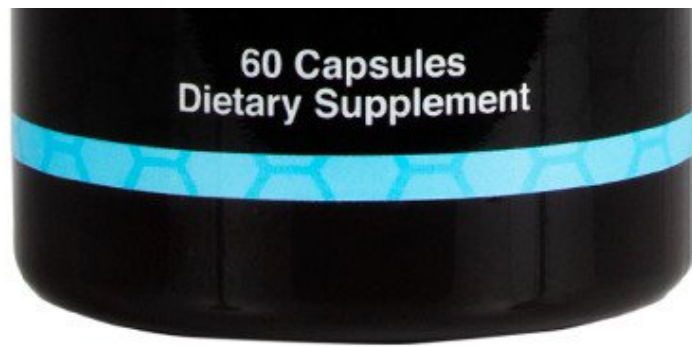
### CHILL FORCE

Your Price: \$39.95

**On Sale: \$23.97**

Life is stressful. Get Chill Force. Support your body's natural systems in the fight against stress & help return to a state of healthy relaxation. The perfect pair with Brain Force or Turbo Force for "calm and clear" energy.





BUY NOW

LEARN MORE

## ILLUSTRATION



## POLLS

Who won the 3rd Democrat debate?

- ☐ Andrew Yang
- ☐ Cory Booker
- ☐ Elizabeth Warren
- ☐ Joe Biden
- ☐ Amy Klobuchar
- ☐ Julian Castro

— Julian Castro

- Bernie Sanders
- Kamala Harris
- Pete Buttigieg
- Beto O'Rourke

Vote

View Results

# INFOWARS

© 2019 Infowars.com is a Free Speech Systems, LLC Company.

All rights reserved. Digital Millennium Copyright Act Notice.

Radio

Archive

About Alex Jones Show

Video

Watch Alex Jones ShowSubscribe

NewsWars

Most Recent

Contact

PPTV

D.M.C.A.

Store

Corrections

Infowars Life

T.O.S.

# INFOWARS

© 2019 Infowars.com is a Free Speech Systems, LLC Company.

All rights reserved. Digital Millennium Copyright Act Notice.